

**ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWING**

**August 21, 2025  
1-4**

Page 1	Page 3
<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE EASTERN DISTRICT OF VIRGINIA 3 NORFOLK DIVISION 4 IN ADMIRALTY</p> <p>5 IN THE MATTER OF . 6 COEYMANS MARINE TOWING, LLC . Civil Action No.: 7 D/B/A CARVER MARINE TOWING . 2:24-cv-00490 8 AS OWNER AND OPERATOR OF . 9 M/T MACKENZIE ROSE (IMO NO. . 10 8968765) HER CARGO, . Jacksonville, Florida 11 ENGINES, BOILERS, TACKLE, . 12 EQUIPMENT, APPAREL, AND . 13 APPURTENANCES, ETC., IN . August 21, 2025 14 REM, PETITIONING FOR . 15 EXONERATION FROM OR . 16 LIMITATION OF LIABILITY IN . 11:16 a.m. 17 ALLISION WITH NORFOLK AND . 18 PORTSMOUTH BELT LINE . 19 RAILROAD COMPANY MAIN LINE . 20 RAILROAD BRIDGE OCCURRING . 21 JUNE 15, 2024 IN AND ABOUT . 22 THE ELIZABETH RIVER, . 23 VIRGINIA. . 24 . . . . . 25</p> <p>26 DEPOSITION OF 27 28 ZANE SADIK, PE, CGC, DFE 29 30 Taken by the Petitioner 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100</p> <p>101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000</p>	<p>1 INDEX TO EXAMINATION 2 3 EXAMINATION PAGE 4 Examination by Mr. Roman 5 5 6 INDEX OF EXHIBITS 7 PETITIONER'S DESCRIPTION PAGE 8 Exhibit 1 Report 23 9 Exhibit 2 Curriculum Vitae 23 10 11 (Exhibits 1 through 2 were retained.) 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 2	Page 4
<p>1 APPEARANCES OF COUNSEL 2 On behalf of COEYMANS MARINE TOWING, LLC D/B/A CARVER 3 MARINE TOWING: 4 5 MICHAEL J. ROMAN, ESQ. (PRO HAC VICE) 6 CLYDE &amp; CO US LLP 7 30 South Wacker Drive 8 Suite 2600 9 Chicago, Illinois 60606 10 312-635-6971 11 michael.roman@clydeco.us 12 13 On behalf of NORFOLK AND PORTSMOUTH BELT LINE RAILROAD 14 COMPANY: 15 W. RYAN SNOW, ESQ. 16 CRENSHAW, WARE &amp; MARTIN, P.L.C. 17 150 West Main Street 18 Suite 1923 19 Norfolk, Virginia 23510 20 757-623-3000 21 wrsnow@cwm-law.com 22 On behalf of EVANSTON INSURANCE COMPANY: 23 ZACHARY M. JETT, ESQ. 24 BUTLER WEIHMULLER KATZ 25 11525 North Community House Road Suite 300 Charlotte, North Carolina 28277 704-543-2321 zjett@butler.legal AND MARK C. NANAVATI, ESQ. SINNOTT, NUCKOLS &amp; LOGAN, P.C. 13811 Village Mill Drive Midlothian, Virginia 23114 804-378-7600 mnanavati@snllaw.com Also present: Cannon Moss</p>	<p>1 THE REPORTER: We are now on the record at 2 11:16 a.m., Eastern Standard Time, on August 21st, 2025, 3 to take the deposition of Zane Sadik in the case of -- 4 MR. JETT: Coeymans. 5 THE REPORTER: -- in the matter of Coeymans 6 Marine Towing, LLC. 7 My name is Connie Cheung, notary public and 8 digital reporter on behalf of Esquire in the state of 9 Florida. Pursuant to the general laws of the state of 10 Florida, I'll be capturing the verbatim record of 11 today's record using electronic audio equipment, a 12 computer, and specialized recording software, which is 13 not a form of stenography. 14 The witness is located in Jacksonville, 15 Florida and has confirmed his identity with a driver's 16 license issued by the state of Florida. 17 Will everyone in attendance please identify 18 yourselves for the record and state who you represent? 19 MR. JETT: Zachary Jett. I represent Evanston 20 Insurance Company and the witness. 21 MR. ROMAN: Michael Roman for Petitioner, 22 Coeymans Marine Towing, LLC, and the vessel. 23 MR. SNOW: Ryan Snow with Crenshaw, Ware &amp; 24 Martin. I represent Norfolk &amp; Portsmouth Belt Line 25 Railroad Company.</p>

ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWING

August 21, 2025  
5-8

<p style="text-align: right;">Page 5</p> <p>1 THE REPORTER: Thank you, Counsel.</p> <p>2 Absent any objection at this time, Counsel and</p> <p>3 the witness agree to my in-person administration of the</p> <p>4 oath to this witness and that the final transcript may</p> <p>5 be used for all purposes allowed by the general laws of</p> <p>6 the state of Florida.</p> <p>7 Hearing no objection, this will constitute</p> <p>8 agreement and stipulation of such. I'll now swear in</p> <p>9 the witness.</p> <p>10 Mr. Sadik, if you'll please raise your hand.</p> <p>11 Thank you.</p> <p>12 ZANE SADIK, PE, CGC, DFE,</p> <p>13 having first been duly sworn, testified as follows:</p> <p>14 THE REPORTER: Perfect.</p> <p>15 Counsel, you may begin.</p> <p>16 EXAMINATION</p> <p>17 BY MR. ROMAN:</p> <p>18 Q. Good morning again, Mr. Sadik. My name is Michael</p> <p>19 Roman, one of the attorneys representing Coeymans Marine</p> <p>20 Towing in this case.</p> <p>21 Can you please state your name?</p> <p>22 A. Zane Sadik.</p> <p>23 Q. Great. And you have been retained as an expert</p> <p>24 witness in this matter on behalf of Evanston Insurance</p> <p>25 Company through their counsel at Butler Weihmuller Katz</p>	<p style="text-align: right;">Page 7</p> <p>1 A. Correct, Young and Associates.</p> <p>2 Q. Okay. And what -- if I call that YA Engineering,</p> <p>3 we on the same team, or how do you -- how do you usually</p> <p>4 refer to it? YAES?</p> <p>5 A. YA is fine.</p> <p>6 Q. Okay. And what does YA do for their business?</p> <p>7 A. YA has various engineering and building consultant</p> <p>8 services. They get involved in various claims, whether</p> <p>9 it's from an estimating perspective or possibly even a</p> <p>10 cost to rebuild perspective. And they also have a</p> <p>11 forensic engineering division, which I and others are</p> <p>12 in. Some of those engineers may have a civil or</p> <p>13 structural background. Some may be biomechanical. Then</p> <p>14 there's also architecture and electrical engineering,</p> <p>15 mechanical and various other engineering and design-</p> <p>16 related trades.</p> <p>17 Q. Does YA primarily provide litigation support</p> <p>18 services or does it also provide things like project</p> <p>19 management where you're actually out on a -- on a</p> <p>20 construction project?</p> <p>21 A. I guess it's not the best answer, but it -- it just</p> <p>22 depends. At times there -- I believe we have been</p> <p>23 acquiring more companies as time goes on and there are</p> <p>24 at times where we will be on a construction site</p> <p>25 providing guidance.</p>
<p style="text-align: right;">Page 6</p> <p>1 &amp; Craig, correct?</p> <p>2 A. Yes, I believe so.</p> <p>3 Q. And when were you first retained?</p> <p>4 A. I don't have those records readily available due to</p> <p>5 internet issues, but I'm sure that Zach can get you that</p> <p>6 information later if required.</p> <p>7 Q. Okay. You were retained before the lawsuit was</p> <p>8 filed last summer, right? You were involved in the</p> <p>9 claims process itself?</p> <p>10 A. Yes, I do believe so.</p> <p>11 Q. Okay. So fair to say you were in on the case from</p> <p>12 sort of the beginning?</p> <p>13 A. I don't know if I would say the -- the beginning,</p> <p>14 not as soon as the bridge was struck, but sometime after</p> <p>15 the allision occurred.</p> <p>16 Q. How many depositions have you given before?</p> <p>17 A. Over 30, including depositions, trials, and</p> <p>18 arbitrations.</p> <p>19 Q. Okay. Were all of those -- was all of that</p> <p>20 testimony, whether it was trial or deposition,</p> <p>21 arbitrations, provided in a capacity as an expert</p> <p>22 witness?</p> <p>23 A. Yes.</p> <p>24 Q. And you're affiliated with YA Engineering Services,</p> <p>25 LLC, correct?</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. How long have you been with that YA?</p> <p>2 A. Since around the summer of 2023, just over two</p> <p>3 years.</p> <p>4 Q. And how much of your work with YA has been for what</p> <p>5 I'll call dispute work, whether it's arbitrations,</p> <p>6 trials, et cetera, where you're consulting for</p> <p>7 litigation support as opposed to other types of work</p> <p>8 with the company?</p> <p>9 A. The vast majority, for sure.</p> <p>10 Q. Vast majority being for litigation support?</p> <p>11 A. That is correct.</p> <p>12 Q. To your understanding, were you retained by or are</p> <p>13 you providing services for Norfolk &amp; Portsmouth Belt</p> <p>14 Line Railroad Company in this case, as well as Evanston</p> <p>15 Insurance Company?</p> <p>16 A. Well, I wouldn't say I'm providing information or</p> <p>17 testimony on anyone's behalf. I would say that I was</p> <p>18 hired by their counsel to look at the facts as a</p> <p>19 forensic engineer and give them factual information.</p> <p>20 Q. And which Counsel are you referring to there?</p> <p>21 A. I don't know if that would be counsel for the</p> <p>22 insurance carrier, Evanston Insurance Company.</p> <p>23 Q. Right. So you were retained in this case initially</p> <p>24 by Mr. Jett and his office for Evanston Insurance</p> <p>25 Company, correct?</p>

ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWING

August 21, 2025  
9-12

<p style="text-align: right;">Page 9</p> <p>1 A. I do believe I was first involved through some 2 individual at Evanston Insurance Company, and then at 3 some point later, it was transitioned over to Butler. 4 Q. Okay. Got it. 5 So my question was whether if, at any time, you've 6 also been retained by Norfolk &amp; Portsmouth Belt Line 7 Railroad Company, which is one of the other claimants in 8 this case, or are you only working for Evanston 9 Insurance Company? 10 A. I believe I've only been hired through Evanston 11 Insurance Company and Butler. 12 Q. Okay. Have you had any discussions with anyone 13 from the Crenshaw, Ware &amp; Martin law firm related to 14 this case? 15 A. No. 16 Q. Okay. Have you had any discussions with anyone 17 from Norfolk &amp; Portsmouth Belt Line Railroad Company 18 about the case? 19 A. When we were on site, I know that I definitely met 20 with some individual from the railroad before we were 21 allowed access onto their property. 22 Q. Okay. But no, like, interviews with any folks from 23 the Belt Line or anything like that for preparing your 24 report and opinions where you sat down and asked them 25 questions about the repair work, that type of thing?</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. Fair enough. Okay. And one of your opinions -- 2 we'll get into a little bit your report later, but one 3 of your opinions in this case is that the mainline 4 bridge that you were asked to look at had approximately 5 a 34-year life expectancy left at the time of the 6 allision in June of 2024, correct? 7 A. No, that is not correct. 8 Q. Okay. How is that incorrect? 9 A. So in this hypothetical as spelled out in the 10 conclusion, to err on the conservative side using a 100- 11 year life expectancy, which was the lowest possible life 12 expectancy that I could reasonably come up with given 13 all the research, training, knowledge, and documents 14 reviewed, using that hypothetical, this bridge would 15 have at an absolute minimum 34 years of useful life, 16 given that hypothetical situation. 17 Q. Okay. But that 34 years of useful life expectancy 18 is the figure that you used throughout your report in 19 making some of your calculations, correct? 20 A. In regards to a possible replacement cost value and 21 actual cash value given the lowest possible amount with 22 those parameters, yes. 23 Q. And that 34 years of life expectancy was the figure 24 that you used in applying depreciation to several of 25 your figures in your report, correct?</p>
<p style="text-align: right;">Page 10</p> <p>1 A. No, not to the best of my knowledge. 2 Q. And what was the scope of your engagement in this 3 case? 4 A. So I think it's mainly spelled out in my report, 5 but the scope was to determine what caused or 6 contributed to the damage of the bridge in question, 7 which is owned and operated by Norfolk &amp; Portsmouth Belt 8 Line Railroad, and to provide a replacement cost value, 9 RCV, and an actual cash value, ACV, estimate for a full 10 bridge replacement on the most conservative value 11 possible. 12 Basically, the lowest possible amount given the 13 parameters of the project. I was also tasked with 14 reviewing the invoices on the project and advised 15 Evanston Insurance Company during this involvement of 16 payments from the carrier to Norfolk &amp; Portsmouth Belt 17 Line Railroad for items submitted up through \$10 18 million, which I was told is the policy limits, and 19 whether they were reasonable, related, and necessary or 20 not. 21 Q. And I should have probably started with this a 22 little bit ago, but can we call Norfolk &amp; Portsmouth 23 Belt Line Railroad Company the Belt Line moving forward 24 so -- 25 A. Yes, that'll make it a lot easier. Thank you.</p>	<p style="text-align: right;">Page 12</p> <p>1 MR. JETT: Object to the form. 2 THE WITNESS: In regards to a full bridge 3 replacement and using a rough order of magnitude 4 estimate as spelled out in this report, yes. 5 BY MR. ROMAN: 6 Q. Okay. Now, were you ever asked to perform any type 7 of valuation for anything other than a full bridge 8 replacement? 9 A. No, other than verifying costs submitted up through 10 \$10 million were reasonable, related, and necessary. 11 Q. Okay. And I think you said you used the RCV method 12 as one way, correct? 13 A. Yes. There's both an RCV and ACV estimate given 14 the parameters and erring on the most conservative side 15 I felt possible. 16 Q. Okay. And just for the record, RCV is the 17 replacement cost value, right? 18 A. Correct. 19 Q. Okay. How did you determine to use RCV in 20 performing your analysis and formulating your opinions 21 in this case? 22 A. Well, it -- it was part of the scope to provide a 23 replacement cost and an actual cash value. 24 Q. Okay. And so that was a specific methodology that 25 you were asked to use by Evanston Insurance Company in</p>

ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWING

August 21, 2025  
13-16

<p style="text-align: right;">Page 13</p> <p>1 formulating your opinions?</p> <p>2 A. The specific scope, as spelled out previously, was</p> <p>3 to provide a replacement cost value and an actual cash</p> <p>4 value for a full bridge replacement on the most</p> <p>5 conservative value possible.</p> <p>6 Q. And so that would be yes, Evanston Insurance</p> <p>7 Company asked you specifically to perform the RCV or</p> <p>8 apply the RCV methodology in formulating your opinions?</p> <p>9 A. I don't know if it answers the question, but they</p> <p>10 asked specifically for a replacement cost value and an</p> <p>11 actual cash value on the most conservative value</p> <p>12 possible.</p> <p>13 Q. Okay. How many times over your career have you</p> <p>14 performed an RCV calculation to value a piece of the</p> <p>15 railroad infrastructure such as the mainline bridge?</p> <p>16 A. Well, I can't recall exactly specifically to</p> <p>17 railroad bridges, but how many times have I been hired</p> <p>18 and provided RCV and ACV values for various construction</p> <p>19 related items, whether they were concrete, steel, or</p> <p>20 other building materials, I would say a significant</p> <p>21 number, somewhere between ten to 40.</p> <p>22 Q. Okay. And how do you go about performing an RCV</p> <p>23 evaluation of a structure?</p> <p>24 A. Well, in -- in this case, it was -- it was a rough</p> <p>25 order of magnitude, just mainly for training purposes,</p>	<p style="text-align: right;">Page 15</p> <p>1 coordinations, of course, on top of being a heavily</p> <p>2 populated area versus being in an unpopulated area.</p> <p>3 Q. Sure. And we'll get into the specifics of your</p> <p>4 report in a little bit, but what I'm asking is just</p> <p>5 generally speaking, if you were to go provide an RCV</p> <p>6 estimate for -- let's just say Evanston Insurance</p> <p>7 Company hired you. Excuse me. I'm getting a call. One</p> <p>8 sec. Well, strike that. I'll start over. My</p> <p>9 apologies.</p> <p>10 If you had been retained by Evanston Insurance</p> <p>11 Company to go out and take a look at, say, a highway</p> <p>12 bridge, and they wanted to know what the RCV estimate</p> <p>13 was, just generally speaking, how would you go about</p> <p>14 performing that methodology?</p> <p>15 A. I think in a very similar fashion, which would be</p> <p>16 to find a somewhat similar bridge, similar size, and</p> <p>17 then to give them a -- a rough -- ROM or an order --</p> <p>18 rough order of magnitude estimate, which I've -- as I've</p> <p>19 set out here, from various other publications, it's</p> <p>20 typically minus 25 to plus 75 percent, and then on the</p> <p>21 higher end is what they should be budgeting for that</p> <p>22 project.</p> <p>23 Q. And what do you mean by rough order of magnitude?</p> <p>24 A. That's a -- again, it's a rough order of magnitude.</p> <p>25 It's more for planning purposes. It's not an in-depth,</p>
<p style="text-align: right;">Page 14</p> <p>1 but I think it's very well spelled out within the</p> <p>2 report. I found another bridge, which does not have</p> <p>3 anywhere close to the same constraints as the bridge in</p> <p>4 question, which is a bridge that I've physically been on</p> <p>5 and been part of the automation process.</p> <p>6 That bridge is Mobile River in Mobile, Alabama. It</p> <p>7 has approximately the same clear span of 300 feet. And</p> <p>8 that bridge was replaced in 2011 for a total project</p> <p>9 cost of roughly \$110 million. Using that cost and the</p> <p>10 RSMears cost index of historical -- their historical</p> <p>11 cost index, using the price index of July 2011, which</p> <p>12 was 191.2, and then using the July 2024 cost of 294.8,</p> <p>13 you get a ratio of roughly 1.5418. And all this is on</p> <p>14 Page 6 of my report. And when you extrapolate that out,</p> <p>15 that comes to a projected cost of 169 million.</p> <p>16 And it's spelled out in my report, that doesn't</p> <p>17 include various factors, and I do think it would be much</p> <p>18 higher. Those factors are the additional costs and</p> <p>19 delays for any type of railroad traffic being rerouted</p> <p>20 during this two-year period, how long the Coast Guard</p> <p>21 would allow a channel outage, how long and when would</p> <p>22 the U.S. Navy allow for a channel outage, the likely</p> <p>23 increase in cost for steel and materials with current</p> <p>24 tariffs and other global economic concerns, and the</p> <p>25 costs associated with possible power lines and utility</p>	<p style="text-align: right;">Page 16</p> <p>1 granular, detailed estimate, which will take a lot more</p> <p>2 time, money, effort, and resources.</p> <p>3 Q. And where did you learn to perform that RCV</p> <p>4 estimate in that manner that you just described?</p> <p>5 A. I believe there's some training within PMI. I'm</p> <p>6 also a -- a licensed project management professional.</p> <p>7 But it is not uncommon for contractors, engineers,</p> <p>8 and -- and other design professionals to use example</p> <p>9 projects and an adjustment factor for historical</p> <p>10 pricing. That is basically exactly what we just went</p> <p>11 over.</p> <p>12 Q. Can you recall when you first performed an RCV</p> <p>13 estimate in that manner in your career?</p> <p>14 A. The exact timeline, I -- I cannot, but I would say</p> <p>15 that would be dating back to my time at JMT, which would</p> <p>16 be, I guess, a little bit over a decade ago.</p> <p>17 Q. Sure. Is there a way to perform an RCV estimate</p> <p>18 other than the way that you just described?</p> <p>19 A. Yes, absolutely. But as -- as previously stated,</p> <p>20 that would take more time, effort, and resources.</p> <p>21 Q. Okay. Did Evanston Insurance Company limit the</p> <p>22 amount of time or resources you could spend on this</p> <p>23 case?</p> <p>24 A. I was not -- it was outside of my scope to do a</p> <p>25 full bridge replacement, to meet with the Coast Guard,</p>

ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWING

August 21, 2025  
17-20

<p style="text-align: right;">Page 17</p> <p>1 to meet with the U.S. Navy, understand what their</p> <p>2 constraints were. Those constraints are what will drive</p> <p>3 the cost of this replacement. That was completely</p> <p>4 outside of my scope and I did not go through the</p> <p>5 exercise of meeting with both the Coast Guard, the U.S.</p> <p>6 Navy, and then starting an entirely new bridge design,</p> <p>7 no.</p> <p>8 Q. Did you ever ask Evanston Insurance Company if you</p> <p>9 could go perform those tasks and do that more in depth</p> <p>10 analysis of the -- or for your RCV estimate?</p> <p>11 A. No.</p> <p>12 Q. Do you have an opinion as to which one is more</p> <p>13 reliable, the one in which you use a comparator piece of</p> <p>14 infrastructure that you performed in this case or the</p> <p>15 more in depth RCV methodology where you actually go</p> <p>16 perform the calculations?</p> <p>17 A. We really won't know until we go through that</p> <p>18 exercise, but that was outside of the scope of my</p> <p>19 retention in this case.</p> <p>20 Q. Now, talking about the -- you were also asked to</p> <p>21 perform the ACV estimate, which is the actual cash value</p> <p>22 estimate, correct?</p> <p>23 A. That is correct.</p> <p>24 Q. All right. And how did you go about doing that?</p> <p>25 A. I went through various documents research along</p>	<p style="text-align: right;">Page 19</p> <p>1 Q. Are there other ways to perform an ACV estimate</p> <p>2 than the one that you performed in this case?</p> <p>3 A. There may be, but the methodology that I'm familiar</p> <p>4 with is to come up with the replacement cost and then to</p> <p>5 take depreciation on various items given their expected</p> <p>6 lifespan.</p> <p>7 Q. And how did you come to understand that there</p> <p>8 should be some type of depreciation applied to the value</p> <p>9 of the bridge in this case?</p> <p>10 MR. JETT: Object to the form.</p> <p>11 You can answer, if you know. Sorry.</p> <p>12 THE WITNESS: Yeah, no, it's okay. I -- I</p> <p>13 think -- believe there -- there's -- it's not in</p> <p>14 contention that the bridge was not new and I was asked</p> <p>15 to give a replacement cost and then to back out the</p> <p>16 actual cash value given the age and the most</p> <p>17 conservative value possible, which was the lowest</p> <p>18 expected life expectancy of similar bridges.</p> <p>19 BY MR. ROMAN:</p> <p>20 Q. Is it fair to say that, in your opinion as an</p> <p>21 engineer, that when you're dealing with an older piece</p> <p>22 of infrastructure such as a mainline bridge, that</p> <p>23 typically some type of depreciation is applied to that</p> <p>24 piece of infrastructure given its age, the deteriorated</p> <p>25 state, et cetera?</p>
<p style="text-align: right;">Page 18</p> <p>1 with movable bridges that I've physically been on and</p> <p>2 been part of restoration and/or replacement projects and</p> <p>3 came up with the lowest hypothetical lifespan of 100</p> <p>4 years. There are several movable bridges that are in</p> <p>5 service today that are over 100 years and the goal</p> <p>6 according to some railroad people and resources is as</p> <p>7 high as 150-year service life is the target. But the --</p> <p>8 the true reality is, now with the outages of the Coast</p> <p>9 Guard, it is more often than not preferred to just have</p> <p>10 enhanced maintenance as these structures get older in</p> <p>11 order to mitigate the need for a channel outage, which</p> <p>12 may not be allowed by the Coast Guard, giving a possible</p> <p>13 indefinite useful life.</p> <p>14 Q. Okay. And when was the first time you performed an</p> <p>15 ACV estimate in your career?</p> <p>16 A. I don't have that exact date readily available, but</p> <p>17 I would think that would have been sometime around 2018</p> <p>18 timeframe.</p> <p>19 Q. In that -- when you performed the ACV estimate in</p> <p>20 that 2018 timeframe, is -- did you do it in the same</p> <p>21 manner that you did in this case?</p> <p>22 A. In regards to first coming up with the replacement</p> <p>23 cost value, looking at various lifespans and research to</p> <p>24 come up with an expected life expectancy, and then</p> <p>25 backing that out, yes.</p>	<p style="text-align: right;">Page 20</p> <p>1 A. No, not necessarily.</p> <p>2 Q. Okay. What makes the -- what goes into determining</p> <p>3 whether or not to apply depreciation to a piece of</p> <p>4 infrastructure?</p> <p>5 MR. JETT: Do you -- do you mean generally or</p> <p>6 for this bridge, Mike?</p> <p>7 BY MR. ROMAN:</p> <p>8 Q. Well, I said not necessarily -- that depreciation</p> <p>9 is not always applied to an older piece of</p> <p>10 infrastructure, so I'm looking for scenarios in which it</p> <p>11 is, in which it isn't.</p> <p>12 A. I don't know if this answers the question, but</p> <p>13 in -- in my experience in -- being involved in -- in the</p> <p>14 hundreds of cases where there is, you know, cost at a</p> <p>15 question, whether it's replacement cost or actual cash</p> <p>16 value, I have never seen anyone depreciate a repair,</p> <p>17 especially actual costs that have been paid, only to</p> <p>18 look at what that replacement is, and because it may be</p> <p>19 able to be fixed, there is a depreciation on the full</p> <p>20 replacement. Whether the end party chooses to do a full</p> <p>21 replacement or repair I guess is typically yet to be</p> <p>22 seen. However, in this specific case, the repair was</p> <p>23 made and those receipts, I believe, have been provided</p> <p>24 to all parties.</p> <p>25 Q. At any time of your review of the file and your</p>



ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWING

August 21, 2025  
21-24

<p style="text-align: right;">Page 21</p> <p>1 work on the case, did you ask Evanston Insurance Company</p> <p>2 whether they had performed any internal RCV estimates or</p> <p>3 ACV estimates of the mainline bridge?</p> <p>4 A. Not that I can recall.</p> <p>5 Q. Did you review -- you reviewed the repair invoices</p> <p>6 for the mainline bridge, the ones comprising of Hardesty</p> <p>7 and Hanover and PCL and their various subcontractors,</p> <p>8 correct?</p> <p>9 A. I believe up through the rough number of \$11</p> <p>10 million.</p> <p>11 Q. Okay. And I think that's up through about February</p> <p>12 10th, 2025; does that sound about right?</p> <p>13 A. Yeah, it was somewhere in the January to February</p> <p>14 timeframe.</p> <p>15 Q. Okay. Did you have access to any of the documents</p> <p>16 that were contained within the evidence and insurance</p> <p>17 company claim file for this loss?</p> <p>18 A. I don't really know how to -- to answer that other</p> <p>19 than the -- the documents that I have been given, and I</p> <p>20 think there was various backup to the various costs up</p> <p>21 through that roughly \$11 million mark.</p> <p>22 Q. Okay. Did you see any documents in your review of</p> <p>23 the file that indicated that Evanston Insurance Company</p> <p>24 had placed a replacement cost value on the mainline</p> <p>25 bridge at roughly \$70 million?</p>	<p style="text-align: right;">Page 23</p> <p>1 (Exhibits 1 to 2 were marked for</p> <p>2 identification.)</p> <p>3 BY MR. ROMAN:</p> <p>4 Q. I'm actually going to start with the CV if you have</p> <p>5 that in front of you.</p> <p>6 A. Yes, I do.</p> <p>7 Q. All right. And then I believe this was Appendix B</p> <p>8 to your report. That -- that's the CV that I'm looking</p> <p>9 at. Is that the one you have in front of you?</p> <p>10 A. I believe so. I don't know if there's a -- a newer</p> <p>11 one or not. Does it say director of engineering on the</p> <p>12 first page?</p> <p>13 Q. Yeah, here.</p> <p>14 A. I think --</p> <p>15 Q. I'll share my screen just to make sure we're on the</p> <p>16 same page.</p> <p>17 A. Three pages in total.</p> <p>18 Q. Yeah. You see that there?</p> <p>19 A. Yes, sir.</p> <p>20 Q. All right, is this an accurate and up-to-date</p> <p>21 version of your CV?</p> <p>22 A. I believe so.</p> <p>23 Q. Anything that comes to mind that you -- is missing</p> <p>24 or would add to this CV?</p> <p>25 A. I believe I'm waiting on a PE license in Missouri,</p>
<p style="text-align: right;">Page 22</p> <p>1 MR. JETT: Object to the form.</p> <p>2 You can answer, if you have it.</p> <p>3 THE WITNESS: No, I don't -- I don't think so.</p> <p>4 I don't recall that.</p> <p>5 BY MR. ROMAN:</p> <p>6 Q. Okay. And did -- and just to ask, I don't know if</p> <p>7 we got an answer.</p> <p>8 Did you ask Evanston Insurance Company at all</p> <p>9 throughout your work on the case whether there were</p> <p>10 other evaluations of the RCV estimate or the ACV</p> <p>11 estimate of the mainline bridge?</p> <p>12 A. No, I --</p> <p>13 MR. JETT: Objection.</p> <p>14 THE WITNESS: -- I don't believe so.</p> <p>15 Sorry. Go ahead.</p> <p>16 MR. JETT: No, I objected.</p> <p>17 Go ahead.</p> <p>18 BY MR. ROMAN:</p> <p>19 Q. If you had come to learn that there were RCV</p> <p>20 estimates for the mainline bridge of \$70 million, would</p> <p>21 that change your evaluation in this case at all?</p> <p>22 MR. JETT: Objection.</p> <p>23 THE WITNESS: No, it would not.</p> <p>24 MR. ROMAN: Zach, we can enter the Report as</p> <p>25 Exhibit 1. And then the CV, as Exhibit 2.</p>	<p style="text-align: right;">Page 24</p> <p>1 but I don't think that necessarily has anything to do</p> <p>2 with this case being in Virginia.</p> <p>3 Q. Okay. And on those licenses, it looks like Page 3</p> <p>4 to 4, it lists your various licenses starting in</p> <p>5 alphabetical order from Alabama down to the Virgin</p> <p>6 Islands, correct?</p> <p>7 A. Correct.</p> <p>8 Q. All right. Any of those licenses ever been</p> <p>9 suspended, revoked, or any disciplinary actions taken</p> <p>10 against them?</p> <p>11 A. No, not to the best of my knowledge.</p> <p>12 Q. Okay. And when were you first licensed in</p> <p>13 Virginia?</p> <p>14 A. I believe it was in 2012.</p> <p>15 Q. What is the -- a board certified diplomat in</p> <p>16 forensic engineering?</p> <p>17 A. So that is a qualification that -- that you can get</p> <p>18 if you have some trial deposition experience, as well as</p> <p>19 various continuing education. You are -- have to be a</p> <p>20 licensed engineer, and you also have to be a part of the</p> <p>21 National Society of Professional Engineers. At that</p> <p>22 point, you can apply and obtain that certification,</p> <p>23 depending on the Academy's approval or not.</p> <p>24 Q. And when did you first obtain that certification?</p> <p>25 A. I believe it was in 2024. It could be 2023. I --</p>

ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWING

August 21, 2025  
25-28

<p>Page 25</p> <p>1 I just don't have -- sadly, the -- due to the internet 2 here, I don't -- don't have that in front of me. It's 3 in my deposition notebook that is in our job file. 4 Q. Is that a certification that you obtained when you 5 began getting into expert work? 6 A. Yes. That is correct. 7 Q. And what's the organization that issues that 8 accreditation? 9 A. I believe it's the National Academy of Forensic 10 Engineering. 11 Q. And then what about a certified general contractor? 12 If you could explain what that is, what -- how you 13 obtain that certification? 14 A. Yeah. So during my time as -- as an engineer, we'd 15 work hand in hand with construction. A lot of 16 engineering may contain construction management or even 17 owner's representative services. Specifically to this 18 project, I did a lot of that at the railroad, more 19 specifically with movable bridges as one of the heads of 20 the movable bridge initiative. 21 And if you have enough construction experience, 22 along with schooling and other qualifications, you can 23 qualify to sit for three tests, which I believe total 24 roughly 15 and a half hours. If you get through all 25 those tests and have a decent credit rating, pass</p> <p>Page 26</p> <p>1 various other hurdles, then you can be called a 2 certified general contractor in the state of Florida. 3 There's various other levels. That is also considered 4 an unlimited license in other states. 5 Q. Are there continuing education requirements for 6 that certification? 7 A. Yes. 8 Q. All right. And are those -- are some of the -- I 9 saw you included CLE certificates in one of the 10 appendices to your report. 11 Are some of those CLE certificates related to the 12 general contractor certification? 13 A. Yes, along with various other continuing education 14 from my other licenses. 15 Q. And have you maintained the certified general 16 contractor certification since you obtained it? 17 A. Yes. And I also qualify a construction company. 18 Q. I'm sorry, do you -- say the last part again? 19 A. I also qualify a construction company. 20 Q. Okay. If you -- what do you mean by that? 21 A. So in order for a company to perform general 22 contracting related activities, similar to an 23 engineering firm performing engineering activities, they 24 typically have to have someone qualify that company in 25 order to perform that work in that state.</p>	<p>Page 27</p> <p>1 Q. All right. It looks like you started your career 2 at Morabito Consultants, correct? 3 A. Morabito. 4 Q. Morabito? My apologies. That's the (inaudible) 5 accent coming out in me. 6 A. No worries. It's just Frankie, he got real mad 7 whenever someone mispronounced his name. 8 Q. I'm sure. And what did you do for Morabito back in 9 '07 to '08? 10 A. It was full service structural engineering, so some 11 of that was everything from, I believe, a high-end 12 residential construction to multi-use facilities to -- 13 one wild project was putting a helicopter pad on top of 14 an existing hospital. I definitely remember that one. 15 Q. Okay. Did you perform any ACV/RVC estimates during 16 your time at Morabito? 17 A. No. I don't believe I was involved really with 18 cost estimating at -- at Morabito. 19 Q. Okay. And then how about for JMT, Inc.? What did 20 you do there from '08 to '12? 21 A. JMT was a -- a bigger operation. They were full 22 service engineering as well as architectural, all in- 23 house. And jobs performed there were similarly varied. 24 Some might have been pedestrian bridges. Others were 25 on-calls with the city for various issues that would</p> <p>Page 28</p> <p>1 come up, whether someone ran into a building or 2 something broke and needed to be repaired, to wastewater 3 treatment plants, to -- I believe they -- they would get 4 some highway bridge work as well and several coastal and 5 port and harbor projects. 6 Q. Did you perform any cost estimating at JMT? 7 A. Yes. 8 Q. How many projects? 9 A. I -- I couldn't name the -- the projects off the 10 top of my head. They -- they varied, but I would say 11 probably somewhere around, like, 30 to 40. 12 Q. Okay. And when you -- for those projects, I mean, 13 was it a situation where you were estimating what the 14 project was going to cost, or was it similar to what you 15 did in this case where you, you know, were valuing a 16 piece of infrastructure working backwards? 17 A. It would be pricing out what a project would cost, 18 and then also dealing with possible value engineering or 19 unknown constraints that would come up due to project 20 limitations. 21 Q. Did any of those project involve performing an RCV 22 or ACV valuation? 23 A. Not -- not that I can recall at this time. 24 Q. And it looks like from JMT, you went to CSX and 25 were there for almost ten years, right? Or I guess</p>
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ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWING

August 21, 2025  
29-32

<p style="text-align: right;">Page 29</p> <p>1 five -- eight years or so?</p> <p>2 A. Yeah. I believe I -- I think it was closer to</p> <p>3 maybe, like, six to seven, but -- but yes, a little bit</p> <p>4 less than that. The better part of a decade.</p> <p>5 Q. All right. And it looks like first, you were a</p> <p>6 LEADS field manager from '12 to '14, then a Black Belt</p> <p>7 from '14 to '15, an engineer from '15 to '18, and a</p> <p>8 forensic engineer from '18 to '20?</p> <p>9 Or I'm sorry, just stopping at the engineer, that's</p> <p>10 what you did for CSX?</p> <p>11 A. Correct.</p> <p>12 Q. All right. And what did you do as a LEADS field</p> <p>13 manager for CSX?</p> <p>14 A. So they rebranded what was called freight claims,</p> <p>15 so some of that work had to do with onboarding new</p> <p>16 clients and helping them with how to load a rail car.</p> <p>17 And a very large portion of it had to do with dealing</p> <p>18 with claims and, in a way, being a first responder to</p> <p>19 derailments. My territory was one of the busiest areas,</p> <p>20 I guess, for derailments because I had West Virginia</p> <p>21 over to, I believe, Virginia, and up through, like, the</p> <p>22 Philadelphia area, so there were a lot of derailments.</p> <p>23 Some of those derailments obviously involved</p> <p>24 bridges, whether those bridges were impacted to the</p> <p>25 point of being repaired or being -- I don't want to say</p>	<p style="text-align: right;">Page 31</p> <p>1 the pursuit to excellence. It's just constant --</p> <p>2 Q. I'm sorry, a --</p> <p>3 A. Constant improvement or continuous improvement.</p> <p>4 Q. Was that -- was that an operations role, Black</p> <p>5 Belt? Like, an internal operations role?</p> <p>6 A. I don't know how to really answer that</p> <p>7 specifically, but it -- it involved direct impacts to</p> <p>8 operations, yes.</p> <p>9 Q. Okay. And then an engineer for CSX, what does that</p> <p>10 position involve?</p> <p>11 A. That was where I was brought into the design and</p> <p>12 construction part of CSX. This was directly after being</p> <p>13 the main point of contact or main project manager for</p> <p>14 the Casky project, which was the first railroad yard in,</p> <p>15 I want to say four, but somewhere in the three to four-</p> <p>16 decade range for CSX.</p> <p>17 And I believe, due to my ability to get things</p> <p>18 done, and in my opinion, you'd have to ask the -- the</p> <p>19 executive team, they had placed me in this engineering</p> <p>20 role. There was a large initiative for these longer</p> <p>21 trains and siding expansions, as well as a desire to</p> <p>22 implement new technology and reliability to the movable</p> <p>23 bridge program.</p> <p>24 Q. Okay. And how many -- well, did you work on any</p> <p>25 movable bridges in your role as an engineer with CSX?</p>
<p style="text-align: right;">Page 30</p> <p>1 knocked over, but I guess I -- you don't have to say it.</p> <p>2 And I don't know how to say it other than knocked --</p> <p>3 knocked over or no longer standing.</p> <p>4 Q. Did that role, the LEADS field manager, involve</p> <p>5 engineering work?</p> <p>6 A. At times, and it definitely involved real-time</p> <p>7 decision making on regards to recovery efforts and,</p> <p>8 at -- at times, rebuilding efforts.</p> <p>9 Q. Did you perform any RCV or ACV evaluations as</p> <p>10 your -- in your time as a LEADS field manager?</p> <p>11 A. No. Most of that was -- was in the field, decision</p> <p>12 making with a phone call, and then you go.</p> <p>13 Q. And then how about a Black Belt for CSX? What does</p> <p>14 that position involve?</p> <p>15 A. That was within the process improvement group, so</p> <p>16 you would learn Black Belt or Six Sigma process</p> <p>17 methodology. Then, you would get involved in various</p> <p>18 projects within all aspects of the railroad and client</p> <p>19 interfaces in order to take an issue, whatever that</p> <p>20 issue may be, and put improvements around there for a</p> <p>21 financial benefit for both the railroad and whatever</p> <p>22 client, whether that was an internal or external client.</p> <p>23 Q. And what is the Six Sigma methodology?</p> <p>24 A. That's -- I guess it's very loaded, but it -- a</p> <p>25 high level would be similar to what Lexus is coined as</p>	<p style="text-align: right;">Page 32</p> <p>1 A. Yes.</p> <p>2 Q. And how many?</p> <p>3 A. Over 20, I'd say, roughly over half of what was on</p> <p>4 their network. I want to say that I've been -- worked</p> <p>5 on or physically observed and been in -- part of over</p> <p>6 20. I -- I could read what I had wrote down yesterday,</p> <p>7 but I want to say it was around 25 or so.</p> <p>8 Q. And what type of work were you actually doing with,</p> <p>9 you know, those 25 bridges, understanding it was</p> <p>10 probably varied, but if you could give me kind of a</p> <p>11 synopsis?</p> <p>12 A. I -- I guess it -- it really varied all over the</p> <p>13 place. Some of it was from a process perspective. As</p> <p>14 you go to automate these bridges, there was a desire to</p> <p>15 enhance maintenance because now, you would no longer</p> <p>16 have someone physically at the bridge.</p> <p>17 So coming up with everything from the training</p> <p>18 books on how to operate the bridge, to the -- the</p> <p>19 maintenance instructions, to how the bridge is operated</p> <p>20 in both local and remote, to being part of the process</p> <p>21 of selecting the contractor and verifying and paying or</p> <p>22 rejecting their invoices.</p> <p>23 Q. Did any of your work with CSX regarding those</p> <p>24 movable railroad bridges involve determining the</p> <p>25 estimated useful service life of any of the bridges?</p>



ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWINGAugust 21, 2025  
33-36

<p style="text-align: right;">Page 33</p> <p>1 A. I would not say, "estimated useful service life,"</p> <p>2 but desired functionality now and in the future. And</p> <p>3 one specific one was the full replacement of a bridge</p> <p>4 that was roughly over 100 years old. However, that was</p> <p>5 more so due to the automation initiative. And given</p> <p>6 that the cost of maintenance was increasing, there was a</p> <p>7 business decision given that we were trying to automate</p> <p>8 all the bridges on the Gulf Coast to do a full</p> <p>9 replacement of that Bayou Sara Bridge.</p> <p>10 Q. And did any of your work for CSX on those bridges</p> <p>11 involve performing an RCV or an ACV estimate of any of</p> <p>12 the bridges?</p> <p>13 A. Yes. I would say I was involved in the -- the RCV.</p> <p>14 I don't think there was any ACV. There was -- no one</p> <p>15 had ran a large object similar to a boat into any of</p> <p>16 those bridges, to the best of my knowledge. There might</p> <p>17 have been some issues with people capping fenders at</p> <p>18 times. However, there was no large object smashing in a</p> <p>19 similar fashion as -- of a hit-and-run to any of those</p> <p>20 bridges.</p> <p>21 Q. What was the name of that bridge that you</p> <p>22 referenced where CSX decided to replace it because it</p> <p>23 was at the end of its life of over 100 years old?</p> <p>24 MR. JETT: Object to the form.</p> <p>25 THE WITNESS: So I -- I do appreciate you</p>	<p style="text-align: right;">Page 35</p> <p>1 calculations or evaluations at all?</p> <p>2 A. As I recall, it was a team effort. We also heavily</p> <p>3 relied on our specialty contractor, given all the</p> <p>4 various constraints and automation that was involved in</p> <p>5 that bridge, and I -- I believe that was HDR.</p> <p>6 Q. All right. Then it looks like from CSX you moved</p> <p>7 to CED Technologies as a forensic engineer from '18 to</p> <p>8 '21, correct?</p> <p>9 A. Yes, it is correct.</p> <p>10 Q. All right. And what did you do as a forensic</p> <p>11 engineer for CED?</p> <p>12 A. It'd be a similar fashion to what I'm doing today.</p> <p>13 It was to be involved as a forensic engineer, typically,</p> <p>14 or more often than not, in regards to expert witness</p> <p>15 testimony or issues that are either in or believed to</p> <p>16 soon be in litigation.</p> <p>17 Q. And so is that -- you were doing some litigation</p> <p>18 support work beginning in 2018 for CED?</p> <p>19 A. For CED, yes. But I believe through my old boss,</p> <p>20 Jeffrey Cerquetti (phonetic), we would get some of</p> <p>21 these, what I would call litigation or forensic cases,</p> <p>22 while at JMT.</p> <p>23 Q. Did any of your work for CED involve performing</p> <p>24 ACV/RCV evaluations of any type of infrastructure?</p> <p>25 A. Yes. In my time at -- at CED, there was definitely</p>
<p style="text-align: right;">Page 34</p> <p>1 adding something at the end of that, sir, but no, I -- I</p> <p>2 did not say it was at the end of its useful life, but</p> <p>3 that was -- that was a good -- that was a good slide-in.</p> <p>4 That was Bayou Sara, and that is in the report.</p> <p>5 BY MR. ROMAN:</p> <p>6 Q. And did you personally perform any type of RCV</p> <p>7 estimate for that bridge for your work on the project?</p> <p>8 A. I was intimately involved in the replacement of</p> <p>9 that project and the -- I believe there was a business</p> <p>10 decision to minimize the outage as much as possible. I</p> <p>11 think we're able to rip that bridge out. Maybe a world</p> <p>12 record. We'll have to Google it. But have to be able</p> <p>13 to rip the bridge out and put the new one in and run a</p> <p>14 train inside of 36 hours and bringing it down to, I</p> <p>15 think, a -- roughly, a -- a two-day timeframe instead of</p> <p>16 a -- a week.</p> <p>17 The additional cost, I -- I want to say, was -- it</p> <p>18 was in the millions, but I can't remember what it was.</p> <p>19 But to reduce the outage as much as possible, we, the</p> <p>20 railroad, CSX, paid a couple extra million dollars to --</p> <p>21 to get that done.</p> <p>22 Q. Okay. And for performing those value -- or</p> <p>23 evaluations on what those actual numbers were going to</p> <p>24 be in order to make that business decision to replace</p> <p>25 the bridge, were you personally involved in those</p>	<p style="text-align: right;">Page 36</p> <p>1 cost estimating involved, and I believe, at times, both</p> <p>2 RCV and ACV estimates provided.</p> <p>3 Q. Okay. Can you recall the names of any particular</p> <p>4 projects or pieces of infrastructure in which you</p> <p>5 performed those evaluations on?</p> <p>6 A. Not the exact projects, but there was a -- a</p> <p>7 fatality case with a parking garage collapse. There's</p> <p>8 been various construction defects where I've been asked</p> <p>9 to give cost estimates.</p> <p>10 Q. Were you working on the property damage side of</p> <p>11 that claim?</p> <p>12 A. Well, the -- I believe the estimates were in</p> <p>13 regards to fixing property. I don't know if that would</p> <p>14 answer your question.</p> <p>15 Q. Yeah, I was just trying to square -- I think you</p> <p>16 said that it was a death claim or a death suit, but it</p> <p>17 sounds to me like you were involved on estimating some</p> <p>18 of the property that was damaged as part of that, that</p> <p>19 led to the injury.</p> <p>20 So I was just trying to get a sense of what role</p> <p>21 you had in the claim?</p> <p>22 A. Yes. That was rebuilding the structure, and there</p> <p>23 might have been alleged issues with maintenance of the</p> <p>24 structure prior to the work being done or the</p> <p>25 constructability, the means, and methods that were --</p>

ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWINGAugust 21, 2025  
37-40

<p style="text-align: right;">Page 37</p> <p>1 were used in the safe practices or lack thereof.</p> <p>2 Q. Okay. And then from CED, you went to Charles</p> <p>3 Taylor Engineering.</p> <p>4 Did that -- is that the company that became YA</p> <p>5 Engineering?</p> <p>6 A. No, no. We -- the whole East Coast, we all left at</p> <p>7 the same go. That was -- that was interesting.</p> <p>8 Q. Okay. So those are two separate companies, Charles</p> <p>9 Taylor and YA?</p> <p>10 A. Yes, absolutely. I left Charles Taylor to go to YA</p> <p>11 due to just high level breach of contract.</p> <p>12 Q. Okay. And then what did you do as a principal</p> <p>13 forensic engineer for Charles Taylor?</p> <p>14 A. It -- it was very similar, if not the same, as the</p> <p>15 work at CED. However, Charles Taylor did get more</p> <p>16 involved in design repair and even more so in</p> <p>17 construction management services. And at times, we</p> <p>18 would also be asked to stamp or sign and seal drawings</p> <p>19 in order for contractors to get a permit to rebuild, and</p> <p>20 at times, watch or guide through the rebuild process.</p> <p>21 Q. Okay. So you were actually doing some project</p> <p>22 management or engineering services for Charles Taylor?</p> <p>23 A. Yes. I mean, and there were -- there were some</p> <p>24 at -- at CED, too. At times when people were outside</p> <p>25 their comfort zone, like re-leveling a house or</p>	<p style="text-align: right;">Page 39</p> <p>1 you reviewed since then?</p> <p>2 A. I believe Howard Swanson's. I think it was taken</p> <p>3 on June 25th of 2025. Cannon Moss on June 4th of 2025.</p> <p>4 And then there was a report, I believe it was authored</p> <p>5 by Lee Lentz, dated July 2nd, 2025, a report by Kevin</p> <p>6 Lugo, dated July 2nd, 2025, and then there was also</p> <p>7 this -- I'm going to -- I know I'm going to kill it.</p> <p>8 It's a very long name. W.N. Marinos, and then Charlie</p> <p>9 Cunningham, I believe they authored a report very</p> <p>10 recently on August 8th of 2025.</p> <p>11 Q. Did your review of the deposition transcripts --</p> <p>12 putting aside the expert reports that you mentioned, did</p> <p>13 your review of the depositions change or modify any of</p> <p>14 your opinions or findings that you had in your report?</p> <p>15 A. No. I believe they further backed up my opinion in</p> <p>16 the report. It's very similar thoughts, conclusions to</p> <p>17 what I have listed in my conclusions.</p> <p>18 Q. The last bullet point on Page 5, says, "PMI Guide</p> <p>19 to the Project Management Body of Knowledge." It looks</p> <p>20 like, "PMBOK Trademark Seventh Edition."</p> <p>21 What is that publication?</p> <p>22 A. So that's the PMBOK. It's a book of knowledge, if</p> <p>23 you will, on project management. That whole Project</p> <p>24 Management Institute and then project management</p> <p>25 professional certification, which I hold, came out of</p>
<p style="text-align: right;">Page 38</p> <p>1 something of that nature, we would also be on site and</p> <p>2 let them know, you know, when we've either reached that</p> <p>3 re-level point, or we can no longer move whatever the</p> <p>4 structure is due to limitations of the project given all</p> <p>5 parameters at that time.</p> <p>6 Q. All right. Then why don't we take a quick break?</p> <p>7 I think we've been going about an hour. And then we'll</p> <p>8 get into your report when we come back.</p> <p>9 How's that sound?</p> <p>10 A. Okay.</p> <p>11 THE REPORTER: All right. We are off the</p> <p>12 record at 12:09.</p> <p>13 (A recess was taken.)</p> <p>14 THE REPORTER: We are back on the record.</p> <p>15 Q. Zane, do you have your report in front of you,</p> <p>16 which we'll mark as Exhibit 2 (sic)?</p> <p>17 A. Yes, sir.</p> <p>18 Q. All right. Great.</p> <p>19 Starting on Page 5, the document review, is this a</p> <p>20 complete list of the documents that you reviewed in</p> <p>21 formulating your report and opinions?</p> <p>22 A. Yes. However, there has been additional</p> <p>23 depositions that have been provided to me for review</p> <p>24 prior to today.</p> <p>25 Q. Okay. What depositions, if you can recall, have</p>	<p style="text-align: right;">Page 40</p> <p>1 the construction industry. And within those teachings</p> <p>2 and methodologies, it does talk to estimating. It also</p> <p>3 talks to scheduling and -- and various other things that</p> <p>4 are involved within construction and construction</p> <p>5 management.</p> <p>6 And that is where I get the plus and minus 25</p> <p>7 percent to 75 percent ROM. That rough price range at</p> <p>8 the level of which the estimate was that I performed is</p> <p>9 detailed within that publication, and it is minus 25</p> <p>10 percent to plus 75 percent.</p> <p>11 Q. Okay. And then where in your -- can you point in</p> <p>12 your report where that -- is that on Page 8, you're</p> <p>13 referencing that range? I think it's the top paragraph.</p> <p>14 "This is a rough order of magnitude estimates,</p> <p>15 so the actual cost could range from minus 25 percent to</p> <p>16 plus 75 percent, as stated in the PMBOK Seventh</p> <p>17 Edition"?</p> <p>18 A. Correct. Making the potential cost for</p> <p>19 replacement, you know, as high as roughly \$300 million.</p> <p>20 Q. And how did you determine to apply that range to</p> <p>21 your figures?</p> <p>22 A. Well, because that's where we are right now.</p> <p>23 That's a -- that's a rough order of magnitude. That is</p> <p>24 not a -- we did not go through the exercise and time,</p> <p>25 like we talked about earlier, to do a full bridge</p>

ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWINGAugust 21, 2025  
41-44

<p style="text-align: right;">Page 41</p> <p>1 replacement, have a sit down meeting with the Coast 2 Guard, have a sit down meeting with the -- the Navy, 3 whoever's in charge there, and understand what their 4 constraints are and then cost all of those constraints 5 out, along with getting with suppliers, et cetera, to 6 have a better idea of what the cost will be now. And as 7 we all know, with the -- the new administration, that is 8 subject to change on a -- as much as weekly basis due to 9 tariffs going on or off.</p> <p>10 Q. And how did you determine to use the PMBOK Seventh 11 Edition as a resource to apply that range?</p> <p>12 A. Well, it's something I have training and experience 13 in. I've also taught project management to various 14 people at the railroad at CSX, a -- a portion of that, 15 the class that gets you ready to take the test, which is 16 a roughly six and a half hour test. And I believe that 17 is, at times, also considered an industry standard or 18 a -- a standard pricing range given where we were in 19 time or where this estimate is made from.</p> <p>20 Typically, also considered a -- do we go after this 21 project or not? In the very early stages of a project, 22 do we -- do we have the funds to go after a set project 23 or not?</p> <p>24 Q. And are there other ranges, other than the 25 25 percent to -- or minus 25 percent to plus 75 percent, in</p>	<p style="text-align: right;">Page 43</p> <p>1 I'm familiar with and I had been physically on, and I 2 wanted to find a lift bridge that was at least somewhat 3 similar in channel width and was a lift or vertical lift 4 bridge. Trying to find one in the United States that 5 had a somewhat close timeframe to this incident, I know 6 this is roughly like ten years older, and this was the 7 closest one I could find. It is the -- according -- and 8 it's all in my report. But it is roughly the same exact 9 channel, clear width of 300 feet; however, the towers 10 here, I believe, are substantially shorter. And I think 11 that is all spelled out in the report.</p> <p>12 Q. Okay. How did you -- how did you do the research? 13 Was it internet research?</p> <p>14 A. I -- I guess it was a combination of also 15 physically been out to the bridge. The vertical 16 clearance is very different. But throughout the 17 research that was done, I guess it was just at a random 18 happen sake (sic). But the bridge that this replaced 19 was also not past its useful life, which is similar to 20 the original bridge here in question, before it was 21 replaced in the '50s. The -- both this bridge and the 22 bridge in question in the past were swing bridges. And 23 there was a -- a desire to have a much larger channel 24 clear span, and that's why they went from swing bridges 25 to lift bridges.</p>
<p style="text-align: right;">Page 42</p> <p>1 the PMBOK Seventh Edition that you could apply to when 2 you're doing your evaluation?</p> <p>3 A. No, not at where this estimate is, because we are 4 at that rough order magnitude stage. As you do get 5 drawings and go further along in the design process and 6 then unknowns become known, then yes, at that 7 percentage, would -- that range would come down.</p> <p>8 Q. Okay. Were there any other ranges for the -- for a 9 rough order of magnitude stage of the project other than 10 the one -- that minus 25 to plus 75 percent, or is it 11 that's what the range is for that particular stage of 12 the project?</p> <p>13 A. According to the PMI, yes.</p> <p>14 Q. Okay. And so it's the range diminishes as you go 15 farther along in the stage of the project? Do I have 16 that right?</p> <p>17 A. As more unknowns become known, yes.</p> <p>18 Q. Okay. All right. Now, the Mobile River is one of 19 the Mobile River Bridge is one of the comparators that 20 you used in performing your evaluation, right?</p> <p>21 A. Yes. It is a similar bridge with almost the exact 22 same channel span.</p> <p>23 Q. Okay. And how did you determine to use that as a 24 comparator?</p> <p>25 A. I -- I just did some research. It's also a bridge</p>	<p style="text-align: right;">Page 44</p> <p>1 Both share those exact characteristics. Both are 2 now lift bridges. The one in question is just 3 significantly taller. And the one in question is also 4 in a much more congested area with other limitations, 5 such as the Navy and being in a downtown environment.</p> <p>6 Q. And can you recall any particular websites, 7 articles, publications in particular that you relied 8 upon and found through your research on that -- on that 9 Mobile River Bridge?</p> <p>10 A. No. Other than my -- my time at CSX working on 11 automating that bridge, bringing that into a state of -- 12 I want to say a state of repair, it's a fairly new 13 bridge, but being on there several times, I don't know 14 if I've physically been on that bridge 20 times. Being 15 involved with the drawings, being involved with the 16 integration with the signal system, and being involved 17 with the Movable Bridge Initiative, having that bridge 18 being fully remote from, I believe, it's cyber yard at 19 CSX, which is right around Three-Mile Bridge.</p> <p>20 Q. And on Page 6, it says, "According to a CSX 21 article." Do you see that part there?</p> <p>22 A. Yes.</p> <p>23 Q. And is that a CSX article relating to the Mobile 24 River Bridge?</p> <p>25 A. Yes, I believe so.</p>

ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWINGAugust 21, 2025  
45-48

<p style="text-align: right;">Page 45</p> <p>1 Q. Okay. Do you know where you found that article or 2 do you still have a copy of it? 3 A. Yeah, it -- it should be in my job file. Again, I 4 don't have internet access here to -- due to the issues 5 here. It -- it was on. It keeps dropping off. But 6 that -- that's an article that we can -- we can get you. 7 But again, it just simply talks to what we just talked 8 about, that this -- this bridge that existed previously 9 was a swing bridge and there was a desire for the -- the 10 various boat traffic to have a -- a wider navigation 11 span and that span could not get larger without a full 12 bridge replacement. 13 Q. Has Mr. Jett or anyone from his office asked you to 14 provide any documents from your file such as that CSX 15 article that's in there? 16 A. I -- I thought I -- I -- I'm not sure if we 17 provided our full job file on this or not file. I -- I 18 know we typically do when asked. I -- I can't recall if 19 it was -- it's a link or a share file was asked to be 20 given yet or -- or not, as I sit here today. 21 Q. All right. And then moving down on Page 6, says, 22 "In 2009, this bridge was estimated to cost 23 approximately 72 million." That's referring to the 24 Mobile River Bridge, right? 25 A. Correct. Before any work started. Yes.</p>	<p style="text-align: right;">Page 47</p> <p>1 know it -- I remember this being over \$100 million. 2 That's too low. 3 And what I recall from those conversations, they 4 said, absolutely. That's just what we -- that's what we 5 started with, but that is not what the project ended up 6 costing. 7 Q. Yeah. Yeah. And I just mean, as you, you know, 8 sat down to do your evaluation, your report for 9 Evanston, you made those phone calls to figure out what 10 that 110 million was, you know, for this project? 11 A. Yes, I believe so. 12 Q. Did you review any of the kind of final invoices or 13 repair documents from the -- or I should say bill 14 documents from the Mobile River Bridge to confirm that 15 \$110 million figure? 16 A. Not of recent. I do believe I had the ability to 17 that information while I was still working at CSX and 18 given that this was a mostly public-funded project, that 19 information may be available upon request. But I -- I 20 don't know if that would all be something CSX is willing 21 to release or not. We'd have -- we'd have to contact 22 them. 23 Q. Okay. Did you ask or find out any information 24 about how that \$110 million broke down for the project? 25 A. No. No, I did not.</p>
<p style="text-align: right;">Page 46</p> <p>1 Q. So that was the estimate, you know, from the 2 drawings and the project -- or before the project 3 started, right? 4 A. Correct. To the best of my knowledge and documents 5 researched. 6 Q. Okay. And it says, "YAES was informed this bridge 7 had a total cost of approximately 110 million when it 8 was finally complete and in service," correct? 9 A. Correct. 10 Q. And how did you go about finding out about that 11 \$110 million figure? 12 A. Well, I believe I still had access to some of this 13 information while I was at CSX on -- I also want to say 14 I also talked to some contacts at CSX to verify that 15 number. 16 Q. All right. Do you know -- can you recall the names 17 of any of those contacts at CSX? 18 A. I -- I can't remember the exact person, but I -- I 19 want to say it was some of the people that were involved 20 on the Movable Bridge Initiative while I was at CSX. 21 Q. And were those folks that you contacted 22 specifically in relation to your work on this case as 23 you were doing your report? 24 A. Well, specific just to what that final cost was, 25 because it -- when I looked it up online, I was like, I</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Okay. How long is the entire Mobile River Bridge? 2 A. I don't have the complete clear span in front of 3 me. However, it's obviously more than 300 feet. If the 4 horizontal clearance that was verified, I believe, by 5 looking up the navigation channels, it's 300 feet. So 6 it provides the same horizontal clearance as the bridge 7 in question of approximately 300 feet. 8 Q. And that 300 feet is specifically for the lift 9 portion of the bridge, right? 10 A. No, that's not correct. 11 Q. Okay. What's the 300 feet for? 12 A. It's fender to fender, so it's the clearance, the 13 amount of width of water clearance that boats can travel 14 in between -- in between the fenders. 15 Q. Okay. And you say you don't recall, as you sit, 16 you know, what it is shore to shore, the length of the 17 bridge, right? 18 A. Correct. That -- that could be something that can 19 be looked up fairly quickly, but I -- I don't have that 20 information in front of me at this time. 21 Q. Okay. On a project to build a railroad bridge that 22 has a lift system like the Mobile River, is it more -- 23 is it typical that the lift system in that portion of 24 the bridge itself would be the more expensive part of 25 the project?</p>



ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWING

August 21, 2025  
49-52

<p style="text-align: right;">Page 49</p> <p>1 A. I -- I guess it depends how you look at it. It's 2 really the -- the whole movable portion, right? It's 3 not just the -- the structure in the middle, but all of 4 the cables, machinery, you know, hydraulics, if they 5 exist, et cetera, and of course the towers. And in this 6 instance, these towers are significantly smaller than 7 the towers of the bridge in question. 8 Q. Did you make any determination as to what the 9 Mobile River Bridge cost to build on a span by span 10 basis? 11 A. No. 12 Q. Did you make any evaluation or determination of 13 what the value of the main line bridge would be on a 14 span by span basis? 15 A. No. 16 Q. Okay. Is it fair to say that you just looked at 17 the Mobile River Bridge as a whole in comparison to the 18 Main Line bridge as a whole, and that's how you used it 19 as a comparator for your calculations? 20 A. Yes. To err on the most conservative side, again, 21 given those obvious constraints we talked about before 22 and the fact that for the horizontal clearance and the 23 towers, if you will, they are significantly smaller on 24 Mobile River versus the bridge in question. 25 Q. All right. And then you used the RSMeans price</p>	<p style="text-align: right;">Page 51</p> <p>1 A. Yes. 2 Q. Okay. Did you perform any of those types of 3 calculations for the Bayou Sara Bridge or the Three-Mile 4 Bridge or the Portland, Oregon, Steel Bridge that are 5 referenced on Page 7? 6 A. I do believe when we were costing out various 7 movable bridge projects that historical pricing was 8 referenced at the beginning and possibly throughout the 9 various construction stages of that initiative. 10 Q. Okay. Well, I guess, what is the significance of 11 those three bridges, the Bayou Sara, Three-Mile Bridge, 12 and the Portland, Oregon, Steel Bridge, what are the 13 significance of those bridges to your report and your -- 14 and opinions in this case? 15 A. It just shows the age at that time. The Bayou Sara 16 was a -- a full bridge replacement that I was a part of. 17 It had not reached the end of its useful life, but for 18 business decisions, it was decided to replace that 19 bridge. The outage for that bridge with the Coast Guard 20 was not the -- the biggest heartburn or limiting factor 21 and the desire to remote all those bridges out there in 22 a cluster, if you will, was made. So that was replaced 23 and at the time of replacement, it was over 100 years 24 old. 25 There was -- the same thing was looked at at Three-</p>
<p style="text-align: right;">Page 50</p> <p>1 index to -- as part of your valuation calculations here, 2 correct? 3 A. Yes. Within the report, that is correct. 4 Q. All right. And if you could explain how the 5 RSMeans fits into your valuation and what those figures 6 mean on Page 6 of your report? 7 A. Yeah. So RSMeans I would consider as an industry 8 standard. It puts out a what they call a historical 9 cost index to help look at what costs were on a project 10 at a given time in history versus another given time and 11 can -- it takes into account steel, concrete, et cetera. 12 And at -- at that time of July 2011, that price index is 13 191.2 and then in July of 2024, it is 294.8. 14 Q. And it says that we use this ratio, we get 2024 15 compared to 2011 as 294.8 divided by 191.2 equals 16 1.5418. What does that 1.5418 figure represent and how 17 does that factor into your calculations? 18 A. That -- that represents roughly the multiplier 19 spelled out here to go from a project, a similar project 20 in 2011, to get a similar project in 2024, given this 21 historical cost reference. 22 Q. And so if I'm reading correctly, it'd be -- based 23 on the RSMeans price index, it would've cost roughly 24 \$169 million to build the Mobile River Bridge in 2024 25 dollars as it did in 2011 dollars?</p>	<p style="text-align: right;">Page 52</p> <p>1 Mile, however, we just, I don't want to say upgraded. 2 It was upgraded from electronics perspective, but 3 additional structural work was done to -- to help 4 maintain that bridge. And that bridge is in service 5 today. It's over 100 years old. 6 And the Steel Bridge is a lift bridge in Portland, 7 Oregon. It -- it's constantly being, I guess, upgraded, 8 if you will. I believe it has high speed rail, car 9 traffic, passenger traffic, and rail traffic, and that 10 bridge is over 110 years old. 11 And going back through, you know, my -- my time at 12 CSX, there's various other movable bridges that are over 13 100 years old as well, including, but not limited to, 14 Chef Menteur in New Orleans, the Hillsborough River 15 Bridge in Tampa, Florida, St. Lucie Canal Bridge in 16 Indiantown, Florida, CR Draw Bridge in Nashville, 17 Tennessee, and there may be a few others. 18 Q. Okay. So is it fair to say that you're not 19 utilizing any of those three bridges referenced in your 20 report or the ones you just listed here for a comparator 21 for the actual cash value calculations or RCV 22 calculations, right? 23 A. Yes. Not for calculations. I think it's just 24 to -- to show that there are several movable -- railroad 25 movable bridges that are over 100 years old and they are</p>



ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWING

August 21, 2025  
53-56

<p style="text-align: right;">Page 53</p> <p>1 in service at this time.</p> <p>2 Q. Right. So just confirming, you're -- you've only</p> <p>3 done the -- or utilized the Mobile River Bridge as a</p> <p>4 comparator for your ACV and RCV evaluations and no other</p> <p>5 bridges, right?</p> <p>6 A. For the hypothetical cost, yes, given that it is a</p> <p>7 vertical lift bridge with the same navigation clear</p> <p>8 span.</p> <p>9 Q. Okay. All right. So the next section of your</p> <p>10 report on Page 7, the Bridge Design Lifespan, if you</p> <p>11 could, take me through the significance of this part of</p> <p>12 your report?</p> <p>13 A. Yeah, it just further backs up the actual other</p> <p>14 proof that was given prior, that bridges are not just</p> <p>15 intended to live over 100 years old, but they are in</p> <p>16 service now at over 100 years old. And I think that one</p> <p>17 or two of these might even have been in the report</p> <p>18 referenced by Marinos (phonetic) and Cunningham. I</p> <p>19 think it was there.</p> <p>20 Q. Right.</p> <p>21 A. Their -- not issued. Their paragraphs, I think, 30</p> <p>22 and 31 come to mind.</p> <p>23 Q. And fair to say that you are not making any opinion</p> <p>24 in this case that steel railroad bridges have an</p> <p>25 indefinite lifespan, correct?</p>	<p style="text-align: right;">Page 55</p> <p>1 goal of new construction is 100 years.'"</p> <p>2 Do you know what the citation is to that DOT</p> <p>3 article?</p> <p>4 A. Yes. And I do believe that is in regards to car</p> <p>5 and -- and truck traffic. Maybe on the next break, I</p> <p>6 can get help with this Wi-Fi because it shows I'm</p> <p>7 connected, but I don't have -- I don't have access to my</p> <p>8 job folder.</p> <p>9 Q. Well, do you want to take a quick break and see if</p> <p>10 we can figure out because I do want to get the citations</p> <p>11 to this because your counsel's objected to providing</p> <p>12 anything in your file right now. We got to get that</p> <p>13 resolved by the court. It's typically something we have</p> <p>14 before your deposition, but if we could figure that out,</p> <p>15 I do want to get these citations on the record.</p> <p>16 A. Okay. Yeah, we take a quick break and maybe they</p> <p>17 can help me out with this Wi-Fi issue.</p> <p>18 Q. Thanks.</p> <p>19 THE REPORTER: We are off the record.</p> <p>20 (A recess was taken.)</p> <p>21 THE REPORTER: We are back on the record at</p> <p>22 12:58.</p> <p>23 BY MR. ROMAN:</p> <p>24 Q. All right, Mr. Sadik, so after -- during the break,</p> <p>25 Counsel sent over two documents, PDF. Looks like the</p>
<p style="text-align: right;">Page 54</p> <p>1 A. Well, with proper maintenance, they do potentially</p> <p>2 have an indefinite lifespan. My scope was to give the</p> <p>3 RCV and ACV estimates for the full replacement on the</p> <p>4 most conservative value possible. And that most</p> <p>5 conservative value I could come up with, given all this</p> <p>6 research as well as these bridges that are in service</p> <p>7 today, is 100 years. They could potentially have an</p> <p>8 indefinite lifespan, which is, I think, being shown by</p> <p>9 this. The best example here, that's a lift bridge, is a</p> <p>10 steel bridge and in an -- in a new context that we are</p> <p>11 in today where those navigation outages may not be</p> <p>12 granted, you may be forced to do constant repairs,</p> <p>13 maintenance upgrades in order to mitigate the need for a</p> <p>14 full bridge replacement.</p> <p>15 Q. But the opinion that they can have, that -- that's</p> <p>16 not listed anywhere in your report, correct, anything to</p> <p>17 do with an indefinite lifespan?</p> <p>18 A. Correct. That is not listed in this report.</p> <p>19 However, the 100 years is based on the hypothetical,</p> <p>20 trying to give the most conservative value possible,</p> <p>21 i.e. the lowest possible amount, given the parameters of</p> <p>22 this project.</p> <p>23 Q. And then it says -- it looks like the second</p> <p>24 sentence on -- under Bridge Design Lifespan on Page 7,</p> <p>25 "According to an article by the DOT, quote, "The current</p>	<p style="text-align: right;">Page 56</p> <p>1 first one is a printout from the DOT website from the</p> <p>2 Public Roads, November-December 2006, Issue Number</p> <p>3 Volume 70, Number 3 with a publication next to it.</p> <p>4 Is that the DOT article you're referencing in the</p> <p>5 second sentence of Page 7 on your report?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And then similar question for the next</p> <p>8 document. It looks like it's a publication that was</p> <p>9 found on researchgate.net titled, "Can 100-year-old</p> <p>10 Steel Railroad Bridges Continue to Be Used in Service,"</p> <p>11 from Anna Rokoski (phonetic), if I'm pronouncing that</p> <p>12 correctly, from the Warsaw Institute University of</p> <p>13 Technology.</p> <p>14 Is that the article you're referencing in the third</p> <p>15 sentence of Page 7 of your report?</p> <p>16 A. Correct. And I believe it's also listed as Item</p> <p>17 Number 30 or 31 in the Cunningham and Marinos report.</p> <p>18 Q. Okay. And then there was also a link to it looks</p> <p>19 like one of the investor pages of CSX's website, a link</p> <p>20 regarding the Mobile River alterations.</p> <p>21 Which article is that, is that the one that you</p> <p>22 referred to in the previous section of your report?</p> <p>23 A. Yes, that is correct.</p> <p>24 Q. And I think that's the Page 6, "According to a CSX</p> <p>25 article," and then it goes on. Is that -- that's the</p>

ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWINGAugust 21, 2025  
57-60

<p style="text-align: right;">Page 57</p> <p>1 article you're referring to?</p> <p>2 A. Yes, that is correct.</p> <p>3 Q. Okay. All right. Then on Page 7, moving down,</p> <p>4 says, "Talks with design professionals, the Class I</p> <p>5 railroad -- railroads and contractors both stated that</p> <p>6 the current plan goal for movable river -- movable</p> <p>7 bridges is a 100 to 150 year life expectancy."</p> <p>8 Do you see that part there?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And was that -- were those talks with design</p> <p>11 professionals, were those conversations you had as part</p> <p>12 of your work in this case, in your research into the</p> <p>13 issues?</p> <p>14 A. I believe so. They were just trying to get from a,</p> <p>15 you know, basically a -- a third-party perspective of</p> <p>16 what the current goal is from people actually involved</p> <p>17 in doing the exact same work today.</p> <p>18 Q. And can you recall the names of any of those</p> <p>19 professionals that you spoke with?</p> <p>20 A. The exact names, no, but I -- I do know I had talks</p> <p>21 with people with inside of CSX as well as I believe some</p> <p>22 design professionals at HDR.</p> <p>23 Q. Okay. And what's HDR?</p> <p>24 A. HDR is a large design company. I think they're --</p> <p>25 it might be a Fortune 50 company. They have a movable</p>	<p style="text-align: right;">Page 59</p> <p>1 Virginia.</p> <p>2 It also shows that, given the constraints, which I</p> <p>3 think we talked earlier on the record, of that U.S. Navy</p> <p>4 yard, which is a direct neighbor of this bridge, along</p> <p>5 with the potential issues with the Coast Guard, given</p> <p>6 that this is a very heavily traveled waterway in a city</p> <p>7 environment, would make this specific bridge in</p> <p>8 question, and in my opinion, significantly more</p> <p>9 expensive.</p> <p>10 Q. Okay. And then on the -- what's the second full</p> <p>11 paragraph, this is the section where you apply the</p> <p>12 depreciation to the figures that are referenced above</p> <p>13 it, correct?</p> <p>14 A. Correct.</p> <p>15 Q. All right. And I think you've already stated you</p> <p>16 did not do any type of depreciation analysis on a span</p> <p>17 by span basis or comparison for the bridge. It was just</p> <p>18 for the full cost of what it might take to replace the</p> <p>19 bridge, correct?</p> <p>20 A. Yes. It was the full cost to replace the bridge,</p> <p>21 but also in reviewing invoices of the project, to advise</p> <p>22 Evanston Insurance Company during their involvement of</p> <p>23 payments from them to the Belt Line for items submitted</p> <p>24 up and through \$10 million were reasonable, related, and</p> <p>25 necessary.</p>
<p style="text-align: right;">Page 58</p> <p>1 bridge department and HDR and their movable bridge</p> <p>2 department was heavily involved with the automation</p> <p>3 initiative at my time at CSX.</p> <p>4 Q. So fair to say, in addition to reviewing some of</p> <p>5 the publications and articles, you did some market</p> <p>6 research in other professionals who evaluate railroad</p> <p>7 bridges, to get their thoughts based on their</p> <p>8 experiences and training and education as to what they</p> <p>9 would place -- what type of life expectancy they would</p> <p>10 place on a movable bridge?</p> <p>11 A. Yes. Yes, that's correct.</p> <p>12 Q. All right. Moving on to Page 8, if you could, run</p> <p>13 me through the calculations that are contained within</p> <p>14 that first section on Page 8, down through the five</p> <p>15 bullet points?</p> <p>16 A. And so I think we already talked about the rough</p> <p>17 order of magnitude. So it's showing that 169 would</p> <p>18 be -- using the minus 25 and plus 75, that would be, you</p> <p>19 know, roughly an approximate range of 127 million to</p> <p>20 \$296 million.</p> <p>21 And then also to show there wasn't -- that there is</p> <p>22 additional things that would make this more expensive,</p> <p>23 the -- the cost index, using RSMeans, in 2024, there is</p> <p>24 a Mobile, Alabama, overall for all construction. It is</p> <p>25 roughly 1 percent less on average than Norfolk,</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Okay. And can you recall what the breakdown of</p> <p>2 that -- those \$11 million in costs that your reviews</p> <p>3 was?</p> <p>4 A. No. But I believe those -- the documents, as we</p> <p>5 talked about earlier, go through that either January,</p> <p>6 February timeframe and significant backup was provided,</p> <p>7 I believe, by PCL to justify all line items that were</p> <p>8 included.</p> <p>9 Q. Okay. Is it fair to say that you're not offering</p> <p>10 any opinions on the reasonableness of charges that may</p> <p>11 be submitted that are in excess of the \$11 million in</p> <p>12 invoices and other costs that you reviewed?</p> <p>13 A. Correct. My involvement only came up -- the</p> <p>14 documents I was provided was only up through that</p> <p>15 roughly \$11 million part. The additional cost past</p> <p>16 that, I -- I don't think I've been provided all of those</p> <p>17 documents.</p> <p>18 Q. Okay. Do you recall if you reviewed a spreadsheet</p> <p>19 in this case that listed approximately \$1.4 million in</p> <p>20 labor charges from the Belt Line for things like</p> <p>21 building an access road to the site and yardmasters who</p> <p>22 worked around the time of the repairs, that type of</p> <p>23 thing?</p> <p>24 A. Potentially. I -- I don't recall exactly, but I</p> <p>25 want to say that the access road I thought was in, like,</p>

ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWING

August 21, 2025  
61-64

<p style="text-align: right;">Page 61</p> <p>1 a 30 to \$50,000 range. I think that was a fairly small 2 item. But I do believe that if they were included up 3 through invoices in that January or February timeframe, 4 then -- then I would have reviewed them at some point, 5 yes. 6 Q. Okay. Are you making any specific opinions on the 7 reasonableness of the labor charges that the Belt Line 8 has submitted as damages in this case? 9 A. Well, other than, again, through that roughly 10 or 10 \$11 million mark that from my review, they were 11 reasonable, related, and absolutely necessary. 12 Q. Did you do any evaluation as to a category of 13 damages in the amounts of approximately \$3 million that 14 I believe Mr. Lentz spoke about regarding a portion of 15 the project where costs increased because work was being 16 done on multiple shifts for a certain period of time? 17 MR. JETT: Object to the form. 18 You can answer, if you know. 19 THE WITNESS: So I -- I don't know, but again, 20 if that was included within the invoices up through that 21 roughly \$11 million mark in that January, February 22 timeframe, then -- then yes, I do believe I've reviewed 23 them. 24 BY MR. ROMAN: 25 Q. All right. The second to the last paragraph up</p>	<p style="text-align: right;">Page 63</p> <p>1 steel that was used in the -- after the allision is a 2 higher grade of steel than the type of steel that was 3 used in the original design and build of the bridge? 4 A. It's the same steel that I would've used if I was 5 in charge of the repair operation. It's steel that's 6 readily available, and yes, that -- that steel is 7 stronger. But I do believe because it's readily 8 available, it's not only what should be used and what 9 was used, but it also may be cheaper than trying to get 10 special ordered A7 steel and whether that is currently 11 available or not. 12 Q. Do you have any opinion as to whether that grade 50 13 steel is more corrosive-resistant than the type of steel 14 that was used in the original design and build of the 15 bridge? 16 A. No. No, I do not have an opinion on that. 17 Q. The last paragraph beginning with, "This repair was 18 not a betterment." Do you see that -- excuse me -- 19 A. Yes, I do. 20 Q. -- part there. And how did you go about 21 determining or making your opinion that the repair was 22 not a betterment? 23 A. Well, the repairs are not adding to the life 24 expectancy that existed prior to the bridge. I believe 25 we have in some various depositions now that we've been given</p>
<p style="text-align: right;">Page 62</p> <p>1 from the bottom, the one that begins with, "This repair 2 was done like and kind to the extent possible." Do you 3 see that there? 4 A. Yes, sir. 5 Q. And what -- if you could, take me through your 6 methodology for making the determination that the repair 7 was done like and kind to the extent possible? 8 A. So I -- I think it's pretty well spelled out here, 9 but from a, you know, pure layman's perspective, it was 10 a steel bridge and they used steel to repair the steel 11 bridge. High level, that -- that's -- 12 Q. Do you know what type -- 13 A. -- all of it. 14 Q. Do you know what type of steel was used for the 15 replacement parts for the -- after the allision? 16 A. Yeah. I believe it was readily available steel, 17 which is standard in the industry, grade 50. 18 Q. Is that different than the steel that was used in 19 the original design and build of the bridge? 20 A. It is. And that may have impacted the historical 21 value of the bridge, but that was outside of my scope to 22 see what type of value was lost due to it no longer 23 matching the historical nature that existed prior to the 24 hit-and-run allision. 25 Q. Do you have any opinion as to whether the grade 50</p>	<p style="text-align: right;">Page 64</p> <p>1 for review, the bridge is not as straight as it was 2 before and it's currently in a mismatched condition. 3 Again, it's maybe a totally different analogy, but 4 I know when someone hits my car and it's a red car, I'm 5 not taking a blue panel as a betterment. It's no longer 6 the same as it was prior to the accident. 7 Q. Did you do anything else other than review the 8 deposition transcripts in formulating the opinion that 9 the repair was not a betterment? 10 A. Correct. At the time of this report, I didn't have 11 those depositions. They just further backed this up. 12 And there is mismatched steel. I would agree if they 13 were to take off all approaches and all towers and 14 replace all metal with this brand new steel, that -- 15 that could be looked at as a possible betterment. 16 However, the entire structure all the way down to the 17 load path, including the pier foundations were not 18 altered. I believe only damaged material was fixed and 19 a lot of damage and arguably liability, was accepted by 20 the belt line. I don't know if that is the right word, 21 but they -- they accepted risk in not replacing all 22 items that were damaged or impacted. They made a 23 decision to live with various areas of the existing 24 bridge and only fix things that would appear to be 25 absolutely necessary.</p>

ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWING

August 21, 2025  
65-68

<p style="text-align: right;">Page 65</p> <p>1 Q. Did you perform any type of testing on the bridge</p> <p>2 the -- to, like, determine the -- what the live load</p> <p>3 capacity was after the allision as compared to before</p> <p>4 the allision?</p> <p>5 A. No.</p> <p>6 Q. Did you perform any testing to evaluate the fatigue</p> <p>7 resistance on the bridge after the allision as compared</p> <p>8 to before the allision?</p> <p>9 A. No. That was outside of my scope.</p> <p>10 Q. Okay. Did you perform any type of testing at all</p> <p>11 or run any type of calculations to determine what the</p> <p>12 useful service life of the bridge was before the</p> <p>13 allision as compared to after the allision?</p> <p>14 A. No.</p> <p>15 MR. SNOW: Object to the form.</p> <p>16 THE WITNESS: No. That was outside of my</p> <p>17 scope.</p> <p>18 BY MR. ROMAN:</p> <p>19 Q. And then it would -- moving on to, "It would be</p> <p>20 unreasonable to say that a repaired bridge that was hit</p> <p>21 and repaired with similar materials is a betterment over</p> <p>22 the same bridge which was never hit or damaged by a</p> <p>23 vessel."</p> <p>24 Did I read that correctly?</p> <p>25 A. This repair was not a betterment. A steel bridge</p>	<p style="text-align: right;">Page 67</p> <p>1 allision in the event of a sale; what did you do to make</p> <p>2 that opinion?</p> <p>3 A. Well, that goes within my knowledge, training, and</p> <p>4 working at a class 1 railroad. But again, in the</p> <p>5 general sense of you would now have to disclose that and</p> <p>6 the buyer would be taking on that risk knowing that it</p> <p>7 was hit and repaired, it was not replaced. And it --</p> <p>8 also, given the fact that people have stated on the</p> <p>9 record, it's no longer as straight as it was before as</p> <p>10 far as the track. All of that information would have to</p> <p>11 be disclosed, and those are not things that I believe</p> <p>12 add value.</p> <p>13 Q. And we can agree that at least some of the steel</p> <p>14 members on the mainline bridge were replaced after the</p> <p>15 allision were actually replaced with that -- with that</p> <p>16 A50 steel, correct?</p> <p>17 A. Yes, some of the damaged steel was replaced with</p> <p>18 steel. Yes.</p> <p>19 Q. Okay. All right. Let's go to Page 9. And just to</p> <p>20 roughly summarize the first paragraph, this is a</p> <p>21 different methodology that you use to value,</p> <p>22 potentially, the replacement cost, correct?</p> <p>23 A. Correct. Based on linear footage estimation.</p> <p>24 Yeah.</p> <p>25 Q. Okay. And it says that you had -- you estimated</p>
<p style="text-align: right;">Page 66</p> <p>1 was repaired with steel. The original bridge was never</p> <p>2 hit by a vessel. It would be unreasonable to say that a</p> <p>3 repaired bridge that was hit and repaired with similar</p> <p>4 material is a betterment over the same bridge which was</p> <p>5 never hit or damaged by a vessel. It is reasonable to</p> <p>6 say that this bridge would now be less valuable since it</p> <p>7 was repaired after a hit-and-run allision in the event</p> <p>8 of a sale. And I guess in addition to that, what we</p> <p>9 have from the depositions, it's no longer as straight as</p> <p>10 it was prior to the hit-and-run allision.</p> <p>11 Q. And what did you do to make the determination that</p> <p>12 it would be unreasonable to say that a repaired bridge</p> <p>13 that was hit and repaired with similar materials is a</p> <p>14 betterment over the same bridge which is never hit or</p> <p>15 damaged by a vessel?</p> <p>16 A. I guess, other than -- than common sense, I know at</p> <p>17 times, railroads or -- or any business owner may be</p> <p>18 looking to sell property and now that it is hit, whether</p> <p>19 it's a bridge or a car or a building, that has to be</p> <p>20 disclosed. And I cannot imagine a buyer wanting to pay</p> <p>21 additional money because something was hit.</p> <p>22 Fundamentally, that does not make sense.</p> <p>23 Q. And how about for this -- for the opinion that it</p> <p>24 is reasonable to say that this bridge would now be less</p> <p>25 valuable since it was repaired after a hit-and-run</p>	<p style="text-align: right;">Page 68</p> <p>1 that it could be replaced at roughly 20,000. And I</p> <p>2 take -- is that \$20,000 per linear foot?</p> <p>3 A. Yes. I -- I don't know.</p> <p>4 Q. (inaudible).</p> <p>5 A. I believe that's the approach, and then there's a</p> <p>6 different cost for the -- the towers and movable</p> <p>7 portion.</p> <p>8 Q. Right, right. I just -- on the -- it's the third</p> <p>9 line. It says, "Roughly 20K per linear foot." I just</p> <p>10 want to make -- there's no dollar sign.</p> <p>11 You're referring to \$20,000 per linear foot, right?</p> <p>12 A. Yes, that is correct.</p> <p>13 Q. Okay. And then how did you determine or come up</p> <p>14 with that 20,000 per linear foot figure?</p> <p>15 A. I believe that's the rough rule of thumb estimating</p> <p>16 that we were using it at my time at CSX. And then go</p> <p>17 into the next line, which I'm -- I'm sure you'll ask</p> <p>18 for, that's what I believe it would be now with</p> <p>19 inflation along with also, I want to say a conversation</p> <p>20 with one or a few people over at HDR, who name escapes</p> <p>21 me at this time.</p> <p>22 Q. Was that 20,000 per square foot figure based on</p> <p>23 your time at CSX in 2012 or 2018, or somewhere in the</p> <p>24 middle?</p> <p>25 A. I -- I can't recall at this time.</p>



ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWING

August 21, 2025  
69-72

<p style="text-align: right;">Page 69</p> <p>1 Q. Okay. And then what did you do to apply inflation  2 to that 20,000 per linear square foot to come up with  3 the estimated 30,000 per linear foot calculation that  4 you used?  5 A. I believe that was a -- a mix of looking up current  6 steel costs now, as well as what we just talked about  7 earlier, talking with individuals that are currently  8 involved in that process and in the design and  9 construction of movable bridges for railroads today.  10 Q. Do you have any of those calculations noted  11 anywhere in your file?  12 A. No. This is a rough rule of thumb, but out of, I  13 guess random happen sake (sic), it happened to be within  14 just a few percentages of the exact cost that we got  15 from doing the other methodology, which to me, shows  16 that it is somewhat or reasonably accurate as far as  17 from a rough order of magnitude level.  18 Q. And what is factoring into that price per linear  19 foot that you're using? Cost of steel? Is it cost of  20 labor? Just, you know, what's actually going into that  21 figure?  22 A. I think it's everything just based on historical  23 pricing  24 Q. And what is the everything is what I'm trying to  25 find out?</p>	<p style="text-align: right;">Page 71</p> <p>1 of steel over that time in making the determination that  2 it would cost about 30 to 40,000 per linear square foot?  3 A. No, other than this was a rule of thumb and it was  4 benchmarked with both design and other people that are  5 in charge of capital projects at CSX.  6 Q. And how about any of the labor rates -- historical  7 cost of labor rates? Did you reference any government  8 tables, anything of that figure in determining the  9 30,000 square -- per linear foot?  10 A. No, not to the best of my knowledge.  11 Q. All right. And then you used the lower end of that  12 range, the 30,000 per linear foot, right?  13 A. Yes. Yeah. The whole exercise was to get the  14 valuation as low as possible.  15 Q. Okay. And it says the approach section up to the  16 lift that was damaged is roughly 350 feet.  17 Do you recall which -- I guess, what -- how'd you  18 figure out that 350-feet figure?  19 A. I can't recall if that's really from the drawings  20 or our drone. I -- I do have various licenses, as we,  21 you know, broadly skipped over, but I did do a rough 2D  22 and 3D model of the area with the drone and then we took  23 measurements from that model.  24 Q. And so fair to say that that 350 feet would be  25 from, like, span 4 over to span 3 and 2 that was</p>
<p style="text-align: right;">Page 70</p> <p>1 A. The everything. There is no bridge. And then now,  2 the bridge is there and it's operational. What was that  3 cost?  4 Q. Okay. And so that would be cost for engineering,  5 correct?  6 A. I'm sorry, what was that, sir?  7 Q. I said that would include cost for engineering,  8 right?  9 A. Yes.  10 Q. Cost for the actual labor itself for iron workers,  11 other laborers on the job, right?  12 A. Yes, I believe so. All-in cost.  13 Q. And then cost for materials, including cost for  14 steel, correct?  15 A. Correct.  16 Q. And then cost for equipment, renting equipment,  17 whether you got to buy equipment and all the materials  18 that go into the -- into the job, right?  19 A. Yes, that's correct.  20 Q. All right. And so if I'm understanding the figures  21 effectively, since your time at CSX in 2012 to 2018, the  22 cost of building a steel railroad bridge to 2024 roughly  23 went up one and a half to two times; is that correct?  24 A. Yeah, I -- I'd say that's fairly accurate.  25 Q. Did you reference any of the actual market prices</p>	<p style="text-align: right;">Page 72</p> <p>1 damaged, right?  2 A. If you had a picture to show me, I think that could  3 help.  4 Q. Yeah.  5 A. And then after this question, if that's okay, I'd  6 like to take a comfort break.  7 Q. We can do it now, if that works.  8 THE WITNESS: Okay. Awesome. Sorry, I drank  9 a lot of water.  10 MR. ROMAN: No. I hear you.  11 THE REPORTER: We are off the record.  12 (A recess was taken.)  13 THE REPORTER: All right. We are back on the  14 record.  15 BY MR. ROMAN:  16 Q. All right. Mr. Sadik, if we could -- I think we're  17 at the top of Page 9 still. Sentence, "The approach  18 section up to the lift was damaged -- was 350 feet."  19 We talked about that, correct?  20 A. That's right.  21 Q. And then it says, "The opposite side of the channel  22 where the other tower lands would also need to be  23 replaced."  24 Are you referring to -- well, I guess what --  25 what's -- which side of the channel are you referring to</p>



ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWING

August 21, 2025  
73-76

<p style="text-align: right;">Page 73</p> <p>1 there? It -- it's not the part that was damaged, right?</p> <p>2 A. Correct. The opposite side because, again, this</p> <p>3 exercise is for a full replacement.</p> <p>4 Q. Okay. And so what made you determine that that</p> <p>5 side would also need to be replaced if you were just</p> <p>6 replacing the damaged section?</p> <p>7 MR. JETT: Object to the form.</p> <p>8 You can answer, if you know.</p> <p>9 THE WITNESS: Yeah. So again, remember this</p> <p>10 was this exercise was for a full replacement, as stated</p> <p>11 in the scope previously.</p> <p>12 BY MR. ROMAN:</p> <p>13 Q. Okay. And then so that approach section is 180</p> <p>14 feet. You're referring to the opposite side, the part</p> <p>15 that was not damaged, correct?</p> <p>16 A. Correct. All boat towers. This estimate includes</p> <p>17 boat towers. So that 500 -- well, bear with me. But</p> <p>18 this estimate does include boat towers.</p> <p>19 Q. Okay. And then so the next sentence, "This is</p> <p>20 roughly 530 linear feet times \$30,000 per foot equals</p> <p>21 15.9 million," correct?</p> <p>22 A. Correct.</p> <p>23 Q. And then so what exactly is that \$15.9 million</p> <p>24 figure representing?</p> <p>25 A. I believe that's just the approach section. And</p>	<p style="text-align: right;">Page 75</p> <p>1 on repairs. And in the I would say, I don't know,</p> <p>2 roughly 100 or so cases I've been involved in with</p> <p>3 costs, I've never seen anyone depreciate a repair. I</p> <p>4 have -- I have yet to see that.</p> <p>5 Q. Did you run any individualized depreciation</p> <p>6 analysis as to the components of the bridge that were</p> <p>7 replaced after the allision, meaning those parts that</p> <p>8 had new steel members or, you know, kind of replaced in</p> <p>9 full?</p> <p>10 A. No, because they were repairs and they were</p> <p>11 integral and absolutely necessary for the bridge to be</p> <p>12 put back in service. Those spot repairs, if you will,</p> <p>13 did not extend the overall lifespan or useful life of</p> <p>14 the structure.</p> <p>15 Q. All right. And then the conclusion section of your</p> <p>16 report, beginning with conclusion 1, "A tug that aligned</p> <p>17 with the bridge structure causing the property damage</p> <p>18 observed," and then moving on to -- through Number 9, is</p> <p>19 that a complete and accurate summary of what your</p> <p>20 anticipated and expected opinions are in this case?</p> <p>21 A. Yes, but -- but again, with the exception of going</p> <p>22 to trial, this was all based on the hypothetical to get</p> <p>23 the lowest cost. And if asked, you know, can a -- is it</p> <p>24 typical for movable bridges to last over 100 years?</p> <p>25 Yes. And could they potentially last 150 or even 200</p>
<p style="text-align: right;">Page 74</p> <p>1 then later on, we talked to the movable section in the</p> <p>2 towers and that's a cost per square foot, and then</p> <p>3 that -- the total rough numbers come up to 162.2 million</p> <p>4 in this calculation.</p> <p>5 Q. Okay. And did you do any analysis of applying</p> <p>6 depreciation to that \$15.9 million section?</p> <p>7 A. Well, in this scenario, I believe within the</p> <p>8 conclusions, which I believe we'll talk to later, it --</p> <p>9 the entire bridge is then depreciated based on the</p> <p>10 hypothetical 100-year life expectancy, as previously</p> <p>11 stated.</p> <p>12 Q. Right. But I -- I'm asking if you had applied the</p> <p>13 depreciation just for that particular figure, basically</p> <p>14 taking out the movable lift section of the bridge.</p> <p>15 A. So I believe that in the 162 number -- 162.2</p> <p>16 million, that's the full replacement cost. And then</p> <p>17 later within the conclusions, I believe it's listed on</p> <p>18 conclusion 7, the actual cash value would be roughly 55</p> <p>19 million.</p> <p>20 Q. Okay. At any time, did you perform a depreciation</p> <p>21 evaluation of just the sections of the bridge that were</p> <p>22 damaged, which I think you in this paragraph estimate</p> <p>23 was about 350 feet?</p> <p>24 A. No. So the depreciation was done on the</p> <p>25 replacement. Again, it's not typical to do depreciation</p>	<p style="text-align: right;">Page 76</p> <p>1 years or longer with proper and consistent maintenance?</p> <p>2 Yes, that is correct.</p> <p>3 Q. And you said you had reviewed the report and</p> <p>4 opinions of Mr. Lugo, correct?</p> <p>5 A. That is correct.</p> <p>6 Q. Do you have any opinions as to any of the</p> <p>7 conclusions or findings that Mr. Lugo has offered in</p> <p>8 this case?</p> <p>9 A. I want to say the reports of both Mr. Lugo and</p> <p>10 Lentz, I -- I don't take any exception to -- to their</p> <p>11 conclusions or opinions.</p> <p>12 Q. Okay. And I think you added Mr. Lentz. You don't</p> <p>13 have any -- you don't take any exceptions to Mr. Lentz's</p> <p>14 report and opinions as well?</p> <p>15 A. That is correct.</p> <p>16 Q. And then you said you reviewed the report of Mr.</p> <p>17 Mariano and Mr. Cunningham, which I'll refer to as the</p> <p>18 R.L. Banks report, if that's okay, the co-authored</p> <p>19 report you recall?</p> <p>20 A. Yep, that's correct.</p> <p>21 Q. Okay. Do you have any opinions as to the R.L.</p> <p>22 Banks report and opinions?</p> <p>23 A. I think it's citing various presentations that are</p> <p>24 not authoritative publications and that he does not</p> <p>25 address any of my opinions in his report, which leads me</p>

ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWING

August 21, 2025  
77-80

<p style="text-align: right;">Page 77</p> <p>1 to believe that he is in general agreeance with the</p> <p>2 opinions I have in my report.</p> <p>3 Q. What particular publications are you referring to</p> <p>4 that you view as not authoritative?</p> <p>5 A. I believe the vast majority, and I think I -- I do</p> <p>6 agree with his 30 and 31. So to quote it directly,</p> <p>7 "AREMA," who is really the governing body here, the</p> <p>8 American Railway Engineering and Maintenance-of-Way</p> <p>9 Association, "within their manual of the railroad</p> <p>10 engineering, chapter 15 talks to service life and in its</p> <p>11 guidelines, it does not state the estimated service life</p> <p>12 of the steel bridge." And then I believe that's number</p> <p>13 30.</p> <p>14 I want to say number 31 in his report is from</p> <p>15 other AREMA committee members, which does talk to, I</p> <p>16 believe, the average railroad bridge in service today</p> <p>17 being over 100 years old. And that life expectancy well</p> <p>18 exceeds -- exceeds that with some bridges being 150</p> <p>19 years or older at this time.</p> <p>20 Q. Any other opinions as to their report?</p> <p>21 A. No. No, I -- no, I do not.</p> <p>22 Q. Do you have any opinions on any testimony or</p> <p>23 opinions that Mr. Swanson -- Howard Swanson has offered</p> <p>24 in his deposition testimony?</p> <p>25 A. No. I don't take any objections to anything that</p>	<p style="text-align: right;">Page 79</p> <p>1 A. That sounds correct.</p> <p>2 Q. And PCL was mobilized at that time, correct?</p> <p>3 A. Yeah. PCL was there and I believe they also had</p> <p>4 some subcontractors working on the bridge while we were</p> <p>5 on site.</p> <p>6 Q. And you had access to those folks who were working</p> <p>7 if you had any questions on the -- you needed answered?</p> <p>8 A. Yes. I mean, they -- they were on site. I -- I</p> <p>9 think some of them were in the literal middle of working</p> <p>10 on the bridge, but they -- they were on site while we</p> <p>11 were there.</p> <p>12 Q. Yeah. You weren't necessarily going to interrupt</p> <p>13 anyone who was -- who was working, right?</p> <p>14 A. Yeah. I don't believe I chose to interrupt anybody</p> <p>15 that was doing actual steel work at that time.</p> <p>16 Q. What are your -- what rates are you charging for</p> <p>17 your work on this case?</p> <p>18 A. That's a good billing question. I -- I don't know</p> <p>19 if I'm honoring my old rate or my current 2025 rate. My</p> <p>20 current rate as I sit here today is 420 an hour for</p> <p>21 regular forensic services, and YA charges a 20 percent</p> <p>22 additional fee for depositions and trials, which would</p> <p>23 make my current rate at deposition in that trial roughly</p> <p>24 \$500 an hour. However, my 2024 rate was 395, and then</p> <p>25 there'd be a 20 percent additional fee on that. So I</p>
<p style="text-align: right;">Page 78</p> <p>1 I -- I read or heard within the Swanson or Moss</p> <p>2 deposition.</p> <p>3 Q. And that would include Mr. Swanson's testimony that</p> <p>4 he is not qualified to determine the expected useful</p> <p>5 service life of a railroad bridge?</p> <p>6 A. I -- I did think that was interesting given how --</p> <p>7 his history of -- of so much movables, but he chose not</p> <p>8 to talk to the life expectancy. I took it as this</p> <p>9 specific bridge. However, he's been on numerous bridges</p> <p>10 and I -- I believe he said that he expected a possible</p> <p>11 continuous useful life with proper maintenance.</p> <p>12 Q. Have you spoken to Mr. Swanson at all in connection</p> <p>13 with this case?</p> <p>14 A. No, I have not.</p> <p>15 Q. How about Charlie Graning from PCL; have you spoken</p> <p>16 to him at all?</p> <p>17 A. I think I might have spoke with -- I know I spoke</p> <p>18 with some people on site with PCL. I can't recall</p> <p>19 exactly who I spoke with, but I -- I did speak with</p> <p>20 someone while on site with PCL.</p> <p>21 Q. Yeah. And when was your inspection of the bridge?</p> <p>22 I think you had it listed in here, right?</p> <p>23 A. I believe it's in my report. Bear with me.</p> <p>24 Q. Yeah. I think July -- page 4, you visited the</p> <p>25 property on July 29th, 2024, right?</p>	<p style="text-align: right;">Page 80</p> <p>1 think that would be closer to either 470 or 475 range.</p> <p>2 Q. And I take it for today's dep, you're higher --</p> <p>3 you're charging the testimony rate, the higher one,</p> <p>4 whether it's the 2024 or 2025 rate?</p> <p>5 A. Correct. I just don't know if it's the 2024 or</p> <p>6 2025.</p> <p>7 Q. Has anyone else from your firm worked on the case</p> <p>8 with you?</p> <p>9 A. Yes. Brian Long was there with me when we did the</p> <p>10 site inspection.</p> <p>11 Q. What is Mr. Long's background?</p> <p>12 A. He's -- he has a big background in construction. I</p> <p>13 believe he's also -- at least he was. He may still be a</p> <p>14 licensed professional engineer as well.</p> <p>15 Q. Okay. Do you know what rates Mister -- Mr. Long</p> <p>16 would be charging?</p> <p>17 A. I -- I do not. That's something we can definitely</p> <p>18 get you, but I just don't have that information right</p> <p>19 now.</p> <p>20 Q. Anyone else than Mr. Long who's worked on the file</p> <p>21 with you?</p> <p>22 A. No. I don't believe so.</p> <p>23 Q. Okay. Do you know if your -- if YA has actually</p> <p>24 invoiced Evanston to-date for your work on the case?</p> <p>25 A. I -- I don't know if we were directly invoicing to</p>

ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWING

August 21, 2025  
81-84

<p style="text-align: right;">Page 81</p> <p>1 Evanston or to Butler. It was Evanston at one point in 2 time and then it transferred to -- to Butler. I -- I -- 3 I'd have to get with our billing department to fully 4 answer that question. 5 Q. Okay. Have you ever worked with Mr. Jetter's (sic) 6 law firm before? 7 A. I have not worked with Mr. Jett prior to this, no. 8 Q. Okay. And I think it's on your testimony list that 9 there was a couple Butler Weihmuller cases on there. 10 Have you worked with other attorneys from that firm? 11 A. Yes, absolutely. 12 Q. Okay. How many times have you been engaged by a 13 client who was represented by the Butler Weihmuller 14 firm? 15 A. Well, I -- I have no idea, but as far as all of the 16 cases that I have either gone to trial or a deposition, 17 those would be listed on my trial and deposition list. 18 Q. Okay. How many times have you been retained by 19 Evanston Insurance Company? 20 A. Typically, we're not really hired directly by the 21 insurance company, at least I'm not in my work. So I -- 22 I think this is probably the only one, but I don't -- I 23 don't know that definitively. 24 Q. How many -- how about any cases where you've been 25 returned by -- retained by a client who is insured by</p>	<p style="text-align: right;">Page 83</p> <p>1 MR. ROMAN: Yeah. I'll order E-Tran. Can I 2 get a rough, too, in the next couple days? 3 THE REPORTER: You want a rough as well? 4 MR. ROMAN: Please. 5 THE REPORTER: Did you want electronic, paper, 6 or both? 7 MR. ROMAN: E-Tran only, please. 8 THE REPORTER: Standard delivery okay? 9 MR. ROMAN: What's standard, two weeks? 10 THE REPORTER: Seven to ten business days. 11 MR. ROMAN: If we could get it just by, like, 12 the 2nd -- 13 THE REPORTER: September 2nd? 14 MR. ROMAN: -- if that works. 15 THE WITNESS: And then I'd like to read and 16 sign, if that's an option. 17 MR. JETT: Yeah. You'll read and sign. 18 THE REPORTER: Did you say September 2nd, 19 Counsel Roman? 20 MR. ROMAN: Correct. Yeah. 21 THE REPORTER: Okay. And then did you want a 22 copy, Counsel Jett? 23 MR. JETT: Yes. I'll take a copy when 24 available. I don't need it expedited or anything. 25 Just --</p>
<p style="text-align: right;">Page 82</p> <p>1 Evanston? 2 A. I -- I would have no idea. I would not be able to 3 answer that question. 4 MR. ROMAN: All right. I think that's all I 5 have for now. Might have a couple follow-ups depending, 6 but appreciate it. Good to meet you. Thanks for your 7 time. 8 THE WITNESS: Oh. Thank you, Mr. Roman. I 9 appreciate the time. 10 MR. JETT: Mike, let's just take five really 11 quick. Let me look at my notes and we'll be right back, 12 if that's all right. 13 MR. ROMAN: Sounds good. 14 THE REPORTER: We are off the record. 15 (A recess was taken.) 16 THE REPORTER: We're back on the record. 17 Go ahead. 18 MR. JETT: I don't have any questions for this 19 witness. Thank you. 20 MR. SNOW: This is Ryan Snow. I don't have 21 any questions either. 22 MR. JETT: All right. I think we're all done. 23 THE REPORTER: Perfect. 24 Did you want a transcript order, Counsel 25 Roman?</p>	<p style="text-align: right;">Page 84</p> <p>1 THE REPORTER: Electronic as well? 2 MR. JETT: Electronic, condensed only is fine. 3 THE REPORTER: Okay. And then, Counsel Snow? 4 MR. SNOW: Yeah. I'll take electronic, 5 regular. I don't need expedited, just a copy. 6 THE REPORTER: Okay, perfect. 7 We are off the record at 1:50. 8 (Deposition concluded at 1:50 p.m.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWINGAugust 21, 2025  
85-88

Page 85

CERTIFICATE OF OATH

STATE OF FLORIDA  
COUNTY OF DUVAL

I, the undersigned authority, certify that  
Zane Sadik, PE, CGC, DFE personally appeared before me  
and was duly sworn on this 21st day of August, 2025.

WITNESS my hand and official seal this 25th  
day of August, 2025.

*Connie Cheung*

Connie Cheung  
Notary Commission No.: HH 640436  
Commission Expires: February 13, 2029

Page 86

CERTIFICATE OF REPORTER

I, CONNIE CHEUNG, a Digital Reporter and  
Notary Public in and for the State of Florida do hereby  
certify:

That the foregoing witness whose examination  
is hereinbefore set forth was duly sworn and that said  
testimony was accurately captured with annotations by me  
during the proceeding.

I further certify that I am not related to any  
of the parties to this action by blood or marriage and  
that I am not interested in the outcome of this matter,  
financial or otherwise.

IN WITNESS THEREOF, I have hereunto set my  
hand this 25th day of August, 2025.

*Connie Cheung*

CONNIE CHEUNG  
Florida Licensed Court Reporter No. HH 640436  
Notary Commission Expires: February 13, 2029

Page 87

CERTIFICATE OF TRANSCRIPTIONIST

I, RAECHEL YOCUM, Legal Transcriptionist do  
hereby certify:

That the foregoing is a complete and true  
transcription of the original digital audio recording of  
the testimony and proceedings captured in the above-  
entitled matter. As the transcriptionist, I have  
reviewed and transcribed the entirety of the original  
digital audio recording of the proceeding to ensure a  
verbatim record to the best of my ability.

I further certify that I am neither attorney  
for nor a relative or employee of any of the parties to  
the action; further, that I am not a relative or  
employee of any attorney employed by the parties hereto,  
nor financially or otherwise interested in the outcome  
of this matter.

IN WITNESS THEREOF, I have hereunto set my  
hand this 25th day of August, 2025.

*Raechel Yocum*

RAECHEL YOCUM

Page 88

DEPOSITION ERRATA SHEET

Esquire Job No. J13278485  
In the Matter of: COEYMANS MARINE TOWING, LLC D/B/A  
CARVER MARINE TOWING AS OWNER AND OPERATOR OF M/T  
MACKENZIE ROSE (IMO NO. 8968765) HER CARGO, ENGINES,  
BOILERS, TACKLE, EQUIPMENT, APPAREL, AND APPURTENANCES,  
ETC., IN REM, PETITIONING FOR EXONERATION FROM OR  
LIMITATION OF LIABILITY IN ALLISION WITH NORFOLK AND  
PORTSMOUTH BELT LINE RAILROAD COMPANY MAIN LINE RAILROAD  
BRIDGE OCCURRING JUNE 15, 2024 IN AND ABOUT THE  
ELIZABETH RIVER, VIRGINIA.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have  
read the entire transcript of my deposition taken in the  
above-captioned matter or the same has been read to me,  
and the same is true and accurate, save and except for  
changes and/or corrections, if any, as indicated by me  
on the DEPOSITION ERRATA SHEET hereof, with the  
understanding that I offer these changes as if still  
under oath.

Signed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
\_\_\_\_\_  
ZANE SADIK, PE, CGC, DFE

**ZANE SADIK PE CGC DFE  
COEYMANS MARINE TOWING****August 21, 2025  
89–90**

Page 89

1 DEPOSITION ERRATA SHEET

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25 ZANE SADIK, PE, CGC, DFE

Page 90

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25 ZANE SADIK, PE, CGC, DFE